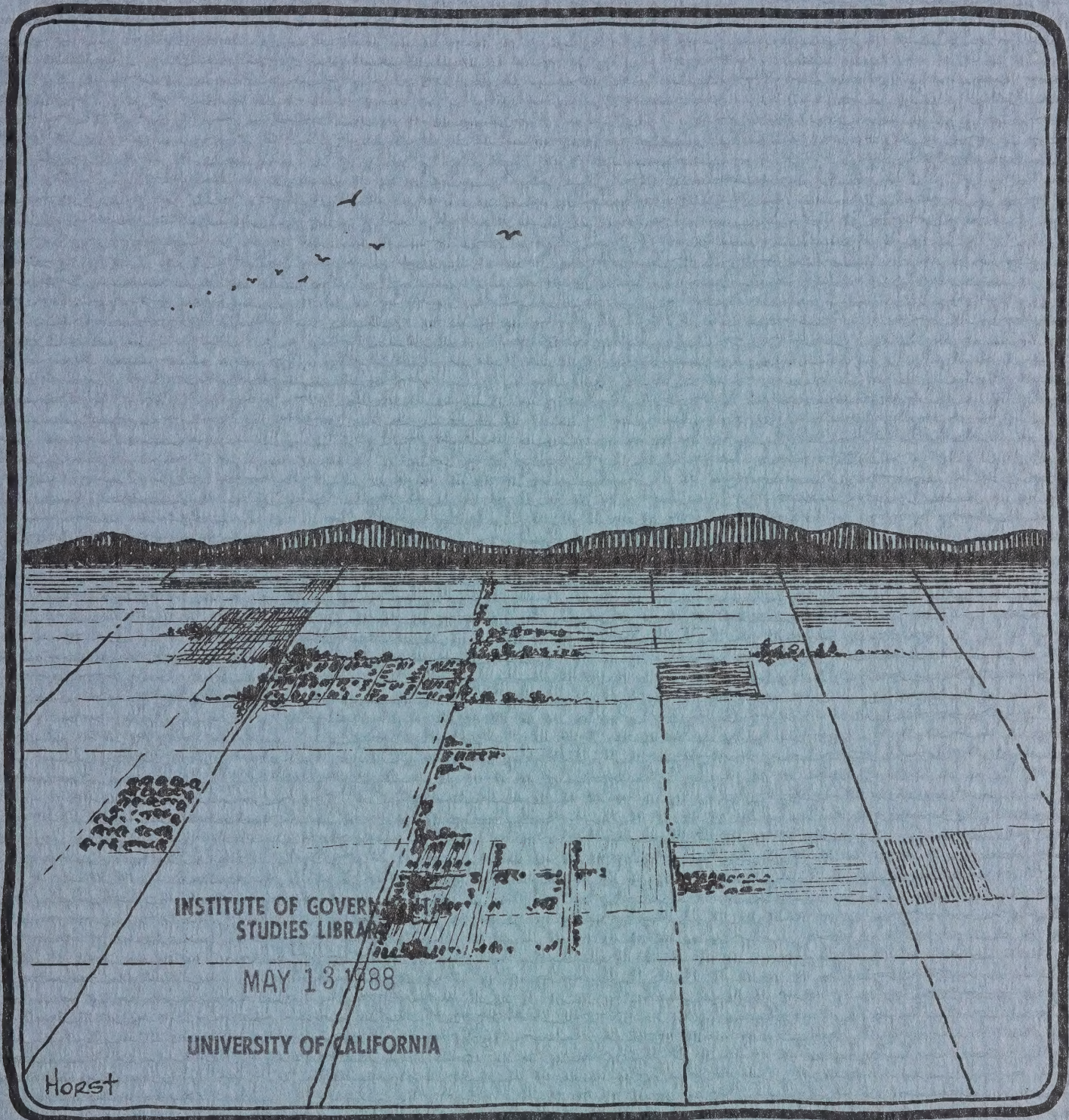


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COUNTY



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SUBDIVISION ORDINANCE

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Prepared By Tulare County Building And Planning Department

TULARE

COUNTY

SUBDIVISION ORDINANCE

TULARE COUNTY SUBDIVISION ORDINANCE -
SECTIONS 7000-7141, 7455-7468 OF THE
TULARE COUNTY ORDINANCE CODE
REVISED OCTOBER 24, 1987

STATE SUBDIVISION MAP ACT -
SECTIONS 66410-66499.37
OF THE GOVERNMENT CODE
REVISED JANUARY 1, 1987

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Subdivision Ordinance

PART VII. LAND USE REGULATIONS AND PLANNING

CHAPTER 1. SUBDIVISION OF LAND

ARTICLE 1. GENERAL PROVISIONS

PURPOSES

SECTION 7000. This Chapter is adopted to regulate the subdivision of land and to require the provision of certain prescribed improvements which are needed as a consequence of the subdivision of land, and in order to achieve the following purposes:

- (a) To implement the General Plan of Tulare County, hereinafter referred to as the General Plan, which has been adopted by the Board of Supervisors as a long-range, comprehensive guide to the physical development of the County.
- (b) To provide lots of sufficient size and appropriate design for the purposes for which they are to be used.
- (c) To provide streets of adequate capacity for the anticipated traffic which will utilize them and to insure that they are designed so as to minimize safety hazards to vehicles and pedestrians.
- (d) To preserve the natural assets of the County and to create new beauty through skilled subdivision design, and to provide a means for encouraging orderly development of hillsides and mountainous areas in the County by relating the number and distribution of dwelling units to the topographical, geological, and hydrological conditions so that the terrain will suffer minimum disfigurement by scarring and that the danger to life and property by the hazards of fire, flood, water pollution, soil erosion and land slippage will be minimized.
- (e) To provide for water supply, sewage disposal, storm drainage and other utilities needed for the public health, safety and convenience.
- (f) To insure that the costs of providing rights of way and improvements for vehicular and pedestrian movement, utilities and public areas needed to serve new developments are borne by the subdivider rather than by the property owners of the County at large.
- (g) To insure that land is subdivided in a manner which will promote the public health, safety, convenience and general welfare. (Amended by Ord. No. 1314, effective 6-26-69; amended by Ord. No. 1880, effective 1-1-76.)

GENERAL PLAN	SECTION 7001. (Amended by Ord. No. 1057, effective 4-7-66; amended by Ord. No. 1380, effective 5-21-70; repealed by Ord. No. 1495, effective 3-4-72.)
SPECIFIC PLAN	SECTION 7002. (Amended by Ord. No. 1057, effective 4-7-66; repealed by Ord. No. 1495, effective 3-4-72.)
ZONING ORDINANCES	SECTION 7003. (Amended by Ord. No. 932, effective 12-5-63; repealed by Ord. No. 1495, effective 3-4-72.)
SUBDIVISION MAP ACT	SECTION 7004. The provisions of this Chapter are supplemental to the provisions of the Subdivision Map Act (Section 66410 <u>et seq.</u> of the Government Code of the State of California) hereinafter referred to as the Subdivision Map Act. (Amended by Ord. No. 1880, effective 1-1-76.)
ADVISORY AGENCIES	SECTION 7005. <ul style="list-style-type: none"> (a) For the subdivisions for which tentative and final maps are required to be recorded under the Subdivision Map Act, the Planning Commission of the County of Tulare, herein referred to as the Planning Commission, is designated as the advisory agency referred to in the Subdivision Map Act. (b) For the subdivisions for which parcel maps are required to be submitted under the Subdivision Map Act and Article 7 of this Chapter, the Site Plan Review Committee, as established by section 16.2 of Tulare County Ordinance 352, as amended, is designated as the advisory agency referred to in said requirements. (Amended by Ord. No. 1880, effective 1-1-76; amended by Ord. No. 2429, effective 8-20-81; amended by Ord. No. 2694, effective 2-27-86.)
OFFICERS: GENERAL AREAS OF RESPONSIBILITY	SECTION 7005.5 <ul style="list-style-type: none"> (a) The Building and Planning Director shall be responsible for processing subdivisions, for notifying and furnishing information to interested persons and agencies, for coordination of review and decision-making and the provision of information regarding the status of all applications and permits for residential developments, as required by Government Code Section 65913.3; for coordination, accumulation, and presentation of data to the appropriate advisory agencies and the Board of Supervisors; for making recommendations relating to the overall design of subdivisions; for assuring compliance with the provisions of this Chapter and the Subdivision Map Act; and for making recommendations with regard to soil conditions that may lead to structural damage to buildings.

- (b) The Public Works Director shall be responsible for making recommendations pertaining to road and utility locations and improvements, drainage improvements necessary to protect roads, easements, lots and adjacent properties; and making recommendations pertaining to the grading, stability, and erosion control of soils.
- (c) The County Health Officer shall be responsible for making recommendations pertaining to water supply, solid and liquid waste disposal, and other matters affecting the general health of the public.
- (d) The County Fire Warden shall be responsible for making recommendations pertaining to fire prevention and means for protection from fire.
- (e) The Public Works Director, County Health Officer and County Fire Warden shall submit their recommendations to the Building and Planning Director for submission to the appropriate advisory agency and Board of Supervisors. Each of said officers shall be responsible for making necessary inspections, with regard to the matters for which they are responsible, to assure compliance with the requirements of this Chapter, the Subdivision Map Act, and the conditions of approval. (Added by Ord. No. 1314, effective 6-26-69; amended by Ord. No. 1375, effective 4-16-70; amended by Ord. No. 1880, effective 1-1-76; amended by Ord. No. 2513, effective 1-13-83.)

DEFINITIONS

SECTION 7006. The definitions set forth in the following sections shall supplement the definitions set forth in the Subdivision Map Act and shall apply throughout this Chapter. (Amended by Ord. No. 862, effective 10-25-62; amended by Ord. No. 1880, effective 1-1-76.)

ALLEY

SECTION 7006.1. "Alley" means a way permanently reserved primarily for vehicular service access to the rear or side of properties which also abut on a street. (Added by Ord. No. 862, effective 10-25-62.)

BLOCK

SECTION 7006.2. "Block" means a parcel of subdivided land bounded by streets or by streets and rights of way, unsubdivided lands, drainage channels or watercourses. (Added by Ord. No. 862, effective 10-25-62.)

COLLECTOR STREET

SECTION 7006.3. (Added by Ord. No. 862, effective 10-25-62; repealed by Ord. No. 1380, effective 5-21-70.)

COUNTY FIRE CHIEF

SECTION 7006.3a. (Added by Ord. No. 1314, effective 6-26-69; repealed by Ord. No. 1375, effective 4-16-70.)

CUL-DE-SAC	SECTION 7006.4. "Cul-de-sac" means a street which connects with another street only at one end and has a turnaround at the other end. (Added by Ord. No. 862, effective 10-15-62.)
DESIGN	SECTION 7006.5. (Former section added by Ord. No. 862, effective 10-25-62; amended by Ord. No. 932, effective 12-5-63; amended by Ord. No. 1245, effective 9-5-68; repealed by Ord. No. 1495, effective 3-4-72; New section added by Ord. No. 1495, effective 3-4-72; repealed by Ord. No. 1880, effective 1-1-76.)
FLOODWAY	SECTION 7006.5a. "Floodway" means the same as that term is defined in Section 7802 of Chapter 8 of this Part. (Added by Ord. No. 2724, effective 9-29-86.)
FRONTAGE STREET	SECTION 7006.6. "Frontage street" means a street which is parallel to and adjacent to a limited access highway or freeway, and which provides access to abutting properties while relieving them of the effects of heavy volumes of fast, through traffic. (Added by Ord. No. 862, effective 10-25-62; amended by Ord. No. 1380, effective 5-21-70.)
FUEL BREAK	SECTION 7006.6a. "Fuel break" means a strip of land, varying in width depending on the fire hazard condition, that separates a community or cluster of structures from the native vegetation. All of the vegetation in such a strip need not be removed but may be thinned out or landscaped to reduce the volume of fuel so that a fire burning into the strip can be more readily controlled. (Added by Ord. No. 1314, effective 6-26-69.)
IMPROVEMENT	SECTION 7006.7. (Former section added by Ord. No. 862, effective 10-25-62; amended by Ord. No. 932, effective 12-5-63; repealed by Ord. No. 1057, effective 4-7-66. New section added by Ord. No. 1495, effective 3-4-72; repealed by Ord. No. 1880, effective 1-1-76.)
LOT	SECTION 7006.8. "Lot" means a parcel of subdivided land under one ownership used or susceptible of being used in accordance with the regulations of this Chapter and in accordance with the regulations of the applicable zoning ordinances of the County. (Added by Ord. No. 862, effective 10-25-62; amended by Ord. No. 932, effective 12-5-63.)
LOT SPLIT COMMITTEE	SECTION 7006.9. (Added by Ord. No. 862, effective 10-25-62; repealed by Ord. No. 932, effective 12-5-63.)
MAJOR STREET	SECTION 7006.10. (Added by Ord. No. 682, effective 10-25-62; repealed by Ord. No. 1380, effective 5-21-70.)
MINOR STREET	SECTION 7006.11. (Added by Ord. No. 862, effective 10-25-62; repealed by Ord. No. 1380, effective 5-21-70.)

**MOUNTAINOUS
AREA**

SECTION 7006.12. "Mountainous area" means any area which is above 1,500 feet elevation according to United States Geological Survey Datum and any area below 1,500 feet elevation if more than fifty percent (50%) of the area included in the tentative map is composed of natural terrain having slopes in excess of twenty percent (20%). (Added by Ord. No. 862, effective 10-25-62; amended by Ord. No. 1279, effective 1-16-69.)

OPEN SPACE

SECTION 7006.12a. "Open space" means any land designated for use by public or private recreational activities such as parks, playgrounds, golf courses, camping or picnic grounds, water courses or lakes, and forest preserves, or any other similar use which the body which takes final action on the tentative map determines to be sufficiently similar to such uses. Land shall not constitute "open space" unless the body which takes final action on the tentative map has satisfactory assurance of the continued use of the property as open space for a reasonable period of time, but not less than twenty (20) years, by reason of the fact that fee title, or an easement, leasehold or managerial interest, has been or will be conveyed to the Federal or State Government or any agency or political subdivision thereof, or to an association of home owners. (Added by Ord. No. 1411, effective 12-4-70.)

PARCEL MAP

SECTION 7006.13. (Former section added by Ord. No. 862, effective 10-25-62; repealed by Ord. No. 1495, effective 3-4-72. New section added by Ord. No. 1495, effective 3-4-72; repealed by Ord. No. 1880, effective 1-1-76.)

PEDESTRIANWAY

SECTION 7006.14. "Pedestrianway" means a way designed for use by pedestrians which is not intended for use by automotive vehicles and which is not located within a street right of way. (Added by Ord. No. 862, effective 10-25-62.)

PLANTING STRIP

SECTION 7006.15. "Planting strip" means a strip between the sidewalk, where provided, and the street right of way line, or between the pavement of a frontage street and the limited access highway or freeway which it parallels, which is intended to be planted with trees or otherwise landscaped. (Added by Ord. No. 862, effective 10-25-62; amended by Ord. No. 1380, effective 5-21-70.)

PRELIMINARY MAP

SECTION 7006.16. (Added by Ord. No. 862, effective 10-25-62; repealed by Ord. No. 1880, effective 1-1-76.)

**PUBLIC WATERWAY,
RIVER OR STREAM**

SECTION 7006.17. (Former section added by Ord. No. 862, effective 10-25-62, repealed by Ord. No. 887, effective 4-25-63. New section added by Ord. No. 1495, effective 3-4-72; repealed by Ord. No. 1880, effective 1-1-76.)

**REVERSION TO
ACREAGE MAP**

SECTION 7006.18. (Added by Ord. No. 862, effective 10-25-62; repealed by Ord. No. 1880, effective 1-1-76.)

**REVERSED CORNER
LOT**

SECTION 7006.19. "Reversed corner lot" means a corner lot the side line of which is substantially the continuation of the front property line of the first lot to its rear. (Added by Ord. No. 862, effective 10-25-62.)

SAFETY AREA

SECTION 7006.19a. "Safety area" means an area or block of land on which the flammable fuel has been removed or permanently modified so as to make the area safe from fire. Open spaces, centrally located within a subdivision, such as parks, golf courses, green meadows, lakes with landscaped shorelines or other similar recreation or greenbelt areas may constitute a "safety area." (Added by Ord. No. 1314, effective 6-26-69.)

SECONDARY STREET

SECTION 7006.20. (Added by Ord. No. 862, effective 10-25-62; repealed by Ord. No. 1380, effective 5-21-70.)

**SELECTED FLOOD
LINE**

SECTION 7006.20a. "Selected flood line" means any one or more of the following flood lines, as they exist on September 29, 1986, and as they may be amended from time to time:

- (a) The flood line established pursuant to the Zoning Ordinance, designating that portion of the flood plain area of a river or stream which is within the F-1 Zone.
- (b) The flood line established on the Flood Insurance Rate Map (FIRM), the official map on which the Federal Emergency Management Administration has delineated both the areas of special flood hazards and the risk premium zones applicable to Tulare County pursuant to the National Flood Insurance Act.
- (c) The flood line established on the Flood Boundary Floodway Map, the official map on which the Federal Emergency Management Administration has delineated both the areas of flood hazard and the floodway pursuant to the National Flood Insurance Act.
- (d) The flood line established on the Designated Floodway Map, the official map adopted by the Reclamation Board of the State of California when acting within its jurisdiction.

When there is conflict between flood lines so established, the line which encompasses the most area shall be deemed the "Selected Flood Line" for the purpose of this Chapter. (Added by Ord. No. 1372, effective 4-16-70; amended by Ord. No. 1880, effective 1-1-76; amended by Ord. No. 2725, effective 9-29-86.)

SIDEWALK

SECTION 7006.21. "Sidewalk" means a way designed for use by pedestrians which is located within a street right of way. (Added by Ord. No. 862, effective 10-25-62.)

STUBBED STREET

SECTION 7006.22. "Stubbed street" means a street which connects with another street only at one end and is intended to be extended or combined to serve future subdivisions on adjacent lands. (Added by Ord. No. 862, effective 10-25-62.)

SUBDIVISION

SECTION 7006.23. (Amended by Ord. No. 862, effective 10-25-62; amended by Ord. No. 932, effective 12-5-63; amended by Ord. No. 1057, effective 4-7-66; amended by Ord. No. 1300, effective 4-17-69; amended by Ord. No. 1495, effective 3-4-72; repealed by Ord. No. 1880, effective 1-1-76.)

**STREETS AND
ROADS:
DEFINITIONS**

SECTION 7007. The following definitions shall apply to the streets and roads referred to in this Chapter:

- (a) "Class 1 Road" means a cul-de-sac or minor residential street so designed that it cannot serve more than fifty (50) lots, and the primary function of which is to provide access to abutting property.
- (b) "Class 2 Road" means a minor residential street so designed that it cannot serve more than one hundred twenty (120) lots, and the primary function of which is to provide access to abutting property.
- (c) "Class 3 Road" means a minor residential collector street that has, or is expected to have, the dual purpose of providing access to abutting property and of carrying traffic from Class 1 and Class 2 Roads to Select System Roads.
- (d) "Select System Road" means a State Highway, Federal Aid Secondary Route, or an arterial or collector road which is existing or proposed, which has been designated for inclusion in the Select System by the Board of Supervisors with the approval of the State Division of Highways. (Added by Ord. No. 1380, effective 5-21-70.)

**DETERMINING
ACREAGE AND
AREA**

SECTION 7007.5. Unless otherwise stated, all acreage and lot area figures used in this Chapter refer to gross acreage or lot area, which includes the entire parcel being considered, including all areas subject to easements for roads or other purposes. In any section where net acreage or lot area is referred to, any portion of the property which is subject to public or private easements that limit the free use of the property including, but not limited to, public and private road easements, and easements for irrigation and storm drainage ditches and pipelines, shall be excluded when determining the acreage or lot area. (Added by Ord. No. 2006, effective 4-14-77.)

ARTICLE 2. DESIGN AND IMPROVEMENT REGULATIONS
(Title of Article amended by Ord. No. 1880,
effective 1-1-76)

**GENERAL AND
SPECIFIC PLANS**

SECTION 7008. (Added by Ord. No. 1495, effective 3-4-72;
repealed by Ord. No. 1880, effective 1-1-76.)

**SPECIFIC PLANS:
LAND PROJECTS**

SECTION 7008.5. (Added by Ord. No. 1495, effective 3-4-72;
repealed by Ord. No. 1880, effective 1-1-76.)

**GENERAL CRITERIA:
ENVIRONMENT,
PUBLIC HEALTH
AND PUBLIC
EASEMENTS**

SECTION 7009. (Added by Ord. No. 1495, effective 3-4-72;
repealed by Ord. No. 1880, effective 1-1-76.)

ZONING ORDINANCES

SECTION 7009.5. A subdivision map shall conform to all zoning ordinances set forth in this Ordinance Code and Ordinance No. 352, with respect to uses of land, lot sizes and dimensions, space for off-street parking and off-street loading areas and all other applicable regulations. (Added by Ord. No. 1495, effective 3-4-72.)

**REMAINDER
PARCELS**

SECTION 7009.6. Except as otherwise expressly provided, all of the provisions and requirements of this Article shall be applicable to designated remainder parcels as well as to other lots in a subdivision. (Added by Ord. No. 2316, effective 3-27-80.)

**IMPROVEMENTS:
SUPPLEMENTAL
SIZE, CAPACITY OR
NUMBER**

SECTION 7009.7. Pursuant to section 66485 of the Government Code of the State of California, a subdivider may be required to install improvements for the benefit of the subdivision which contain supplemental size, capacity or number for the benefit of property not within the subdivision and required to dedicate such improvements to the County. In such cases an agreement between the County and the subdivider shall be entered into pursuant to Section 7082 of this Chapter. (Added by Ord. No. 1880, effective 1-1-76.)

**STREETS: RIGHTS
OF WAY AND
IMPROVEMENTS**

SECTION 7010. Rights of way for streets, cul-de-sacs and alleys shall be provided, and all street improvements shall be constructed, in accordance with the requirements of this Chapter and the improvement standards referred to in section 7080 of this Chapter. Rights of way and improvements may be required inside and outside the subdivision. (Amended by Ord. No. 1314, effective 6-26-69; amended by Ord. No. 1380, effective 5-21-70; amended by Ord. No. 1880, effective 1-1-76.)

**STREETS: INDUS-
TRIAL STREETS**

SECTION 7010.5. The geometric design of roads in areas zoned for industrial uses shall be based upon the specific traffic requirements of the area served, but shall have the following minimums:

Travel land widths	12 feet
Parking lane widths	10 feet
Border widths	8 feet

The design velocity, maximum grade, maximum superelevations and minimum right of way widths shall not be less than those specified for Select System Roads in the improvement standards referred to in section 7080 of this Chapter. (Added by Ord. No. 1380, effective 5-21-70.)

**STREETS: CURBS
AND GUTTERS**

SECTION 7011. In subdivisions which are not in mountainous areas, curbs and gutters shall be required on all lots if a majority of the lots in the subdivision contains less than two and one-half (2-1/2) acres and/or have average widths of less than two hundred (200) feet. (Former section amended by Ord. No. 1057, effective 4-7-66; repealed by Ord. No. 1314, effective 6-26-69. New section added by Ord. No. 1380, effective 5-21-70.)

**STREETS:
SIDEWALKS**

SECTION 7012. If all or any portion of the subdivision is located within the boundaries of an urban improvement area, as established by the General Plan, the subdivider shall provide sidewalks along all Select System Roads and Class 3 Roads in the subdivision. In addition to the body which takes final action on the tentative map may require sidewalks along any County road in a subdivision, including subdivisions located outside of said urban improvement areas, if sidewalks are found to be desirable for access to schools, playgrounds, shopping centers, or other community facilities. Sidewalks shall have a minimum width of four (4) feet and shall be contiguous to the curb unless the Public Works Director approves a different location. Sidewalks shall be constructed in accordance with the standards referred to in section 7080 of this Chapter. (Former section repealed by Ord. No. 1314, effective 6-26-69. New section added by Ord. No. 1380, effective 5-21-70; amended by Ord. No. 2006, effective 4-14-77.)

**STREETS: ROAD
WIDTHS**

SECTION 7013. Road widths shall comply with the applicable geometric sections shown in the improvement standards referred to in section 7080 of this Chapter. (Former section repealed by Ord. No. 1314, effective 6-26-69. New section added by Ord. No. 1380, effective 5-21-70.)

**STREETS: DESIGN
SPEEDS AND
SUPERELEVATIONS**

SECTION 7014.

- (a) The minimum design speed for streets shall comply with the applicable design velocities shown in the improvement standards referred to in section 7080 of this Chapter.

- (b) Superelevations of subdivision streets shall comply with the criteria in the improvement standards referred to in section 7080 of this Chapter. (Former section repealed by Ord. No. 1314, effective 6-26-69. New section added by Ord. No. 1380, effective 5-21-70.)

STREETS: GRADES

SECTION 7015.

- (a) In mountainous areas which are above three thousand (3,000) feet in elevation, the maximum grades on Class 1, 2, and 3 Roads shall be ten percent (10%). However, in very difficult terrain, grades may be allowed up to a maximum of twelve percent (12%) for short distances on Class 1 Roads with the approval of the County Road Commissioner.
- (b) In mountainous areas which are below three thousand (3,000) feet in elevation, the maximum grades shall be fifteen percent (15%) for Class 1 Roads, twelve percent (12%) for Class 2 Roads, and ten percent (10%) for Class 3 Roads.
- (c) In subdivisions which are not in mountainous areas, the maximum grades shall be as shown in the improvement standards referred to in section 7080 of this Chapter. The minimum grades shall not be less than fifteen one-hundredths of one percent (0.15%). (Former section repealed by Ord. No. 1314, effective 6-26-69. New section added by Ord. No. 1380, effective 5-21-70.)

STREETS: CORNERS

SECTION 7016. Property line return radii shall be a minimum of ten (10) feet except in mountainous areas where the minimum radii shall be twenty (20) feet. (Former section repealed by Ord. No. 1314, effective 6-26-69. New section added by Ord. No. 1380, effective 5-21-70.)

**STREETS:
INTERSECTIONS**

SECTION 7017. (Repealed by Ord. No. 1314, effective 6-26-69.)

**STREETS:
ALIGNMENT OF
STREETS**

SECTION 7018. (Repealed by Ord. No. 1314, effective 6-26-69.)

STREETS: DESIGN

SECTION 7019.

- (a) Street intersections shall be as near right angles as practicable and in no case shall the angle of intersection be less than seventy (70) degrees.
- (b) Streets located on opposite sides of an intersecting street shall have their center lines directly opposite each other where physically possible; otherwise the center lines shall be separated by not less than one hundred fifty (150) feet.

- (c) Subdivision streets which constitute continuations of streets in contiguous territory shall be aligned so that their center lines coincide. In cases where straight continuations are not physically possible, center lines shall be continued by curves.
- (d) The bottom surface of the base course of any street located within selected flood lines which is necessary to provide access to the subdivision shall be at least one (1) foot above the elevation of the selected flood unless flood control devices approved by the Tulare County Flood Control District will provide protection for such streets or unless, in the opinion of the County Public Works Director, such streets are adequately protected from appreciable flood damages or there is no necessity for flood protection.
- (e) In mountainous areas, if a Class 1 or Class 2 Road intersects a Class 3 Road, and adequate signs for a full stop will be provided by the subdivider, the radius of curvature and the sight distance for the Class 1 or Class 2 Road may be fifty (50) feet and eighty-five (85) feet, respectively, within one hundred fifty (150) feet of the intersection.
- (f) The centerline grades of intersecting streets shall not exceed six percent (6%) for a distance of fifty (50) feet from the point of intersection of Class 1 and 2 Roads and seventy (70) feet on Class 3 Roads. (Former section repealed, and new section adopted, by Ord. No. 1314, effective 6-26-69. Amended by Ord. No. 1372, effective 4-16-70; amended by Ord. No. 1380, effective 5-21-70; amended by Ord. No. 2725, effective 9-29-87.)

STREETS IN
SUBDIVISIONS
ADJOINING
UNSUBDIVIDED
LAND

SECTION 7020.

- (a) If a subdivision adjoins unsubdivided land, streets which may be extended in the event of the subdivision of the adjoining land shall be provided to the boundary line of the subdivision. On the final map, a single lot shall be shown across the end of such street, contiguous and parallel to the unsubdivided land, and said lot shall be one (1) foot wide and run the full width of the street. Fee title to said lot shall be conveyed to the County at the time the final map is recorded. The deed conveying said lot to the County shall be in a form approved by the County Counsel which shall be adequate to prevent the person owning the unsubdivided land adjoining the subdivision from having access to said street until the land required to extend said street is acquired by the County. Said deed shall also provide for the automatic transfer of the County's interest in said lot, except for an easement for street purposes, to the appropriate lot

owners in the subdivision when the land required to extend said street is required.

- (b) If a street is located adjacent and parallel to the boundary line of a subdivision, the subdivider may dedicate one-half (1/2) of the right of way and install all required improvements in the right of way dedicated. On the final map the subdivider shall designate a single lot running the entire length of such street, contiguous and parallel to the unsubdivided land, which shall be one (1) foot in width. Fee title to said lot shall be conveyed to the County at the time the final map is recorded. The deed conveying said lot to the County shall be in a form approved by the County Counsel which shall be adequate to prevent the person owning the unsubdivided land adjoining the subdivision from having access to said street until the land required to widen said street is acquired by the County. Said deed shall also provide for the automatic transfer of the County's interest in said lot, except for an easement for street purposes, to the appropriate lot owners in the subdivision when the land required to widen said street is acquired by the County.
- (c) None of the other provisions of this Chapter which govern the size or shape of lots, or are otherwise applicable to lots, shall apply to the lots to be conveyed to the County pursuant to this section. Said lots shall be lettered consecutively commencing with the letter "A". (Amended by Ord. No. 887, effective 4-25-63; amended by Ord. No. 1057, effective 4-7-66; amended by Ord. No. 1380, effective 5-21-70.)

RESERVE STRIP

SECTION 7020.1. Reserve strips controlling access to and from streets, alleys and pedestrianways shall not be permitted except as provided in section 7020 of this Chapter. (Added by Ord. No. 1880, effective 1-1-76.)

CUL-DE-SACS

SECTION 7021.

- (a) In subdivisions which are not in mountainous areas, cul-de-sacs shall not exceed six hundred sixty (660) feet in length and shall terminate with a circular turnaround constructed in accordance with the improvement standards referred to in section 7080 of this Chapter.
- (b) In mountainous areas, cul-de-sacs shall not exceed one thousand (1,000) feet in length. The minimum radius of the right of way of the cul-de-sac shall be forty-five (45) feet and the minimum radius of the paved portion shall be thirty-seven (37) feet. The minimum distance from the centerline of the road to the edge of the right of way shall be twenty (20) feet. The sight distance shall be a minimum of eighty-five (85)

feet within one hundred fifty (150) feet of the center of the bulb.

- (c) The maximum paved slope across the bulb of a cul-de-sac shall be six percent (6%). (Former section repealed by Ord. No. 1314, effective 6-26-69. New section added by Ord. No. 1380, effective 5-21-70; amended by Ord. No. 1495, effective 3-4-72.)

STUBBED STREETS

SECTION 7021.5. Stubbed streets shall be completely improved to the boundary of the subdivision. The boundaries of the subdivision shall not be distorted for the purpose of eliminating stubbed streets. On stubbed streets which are more than one (1) lot in length, temporary turnarounds shall be constructed with a pavement radius of thirty (30) feet. (Added by Ord. No. 1380, effective 5-21-70.)

FRONTAGE STREETS

SECTION 7022. Parallel to a limited access highway or freeway, a frontage street, separated from the limited access highway or freeway by a planting strip, shall be required for access to a contiguous subdivision. Such frontage streets will not be required when the lots of the subdivision adjacent to the limited access highway or freeway are oriented so as to back into said highway or freeway and a waiver of access rights to said highway or freeway has been acquired by a public agency or such access rights are waived in an appropriate certificate on the final map. (Amended by Ord. No. 1057, effective 4-7-66; amended by Ord. No. 1380, effective 5-21-70.)

PRIVATE STREETS AND ALLEYS

SECTION 7023. Private streets and alleys shall be improved by the subdivider to the same standards as public streets and alleys, in accordance with the standards referred to in section 7080 of this Chapter. (Amended by Ord. No. 1057, effective 4-7-66.)

PRIVATE STREETS AND ALLEYS: MAINTENANCE

SECTION 7023.5. When required by the General Plan or any specific or community plan, the subdivider shall make provision through recorded covenants running with the land, irrevocable trusts, or other method approved by the Board of Supervisors, for the future maintenance and repair of all private streets, alleys, and other private vehicular access easements required by this Chapter. Such maintenance and repair shall be in accordance with the standards applied at the time the subdivision was approved. If the method used requires agreement or acceptance by the Board of Supervisors, the Board may, by resolution, authorize the Public Works Director and duly authorized employees in his office to execute such agreement or signify such acceptance. The Board of Supervisors shall approve a form agreement or acceptance for this purpose. (Added by Ord. No. 2785, effective 8-13-87.)

STREET NAMES AND NUMBERS

SECTION 7024. Street names and numbers shall conform to the Specific Plan of Street Names and Numbers and House Numbers. (Amended by Ord. No. 1057, effective 4-7-66.)

ALLEYS

SECTION 7025.

- (a) Alleys of thirty (30) feet or more in width may be required at the rear of lots in areas zoned for commercial or industrial use.
- (b) In subdivisions not zoned for commercial or industrial use, alleys of twenty (20) feet or more in width may be required.
- (c) Alleys shall be constructed in accordance with the standards referred to in section 7080 of this Chapter.
- (d) If two (2) alleys intersect, the corners shall be cut either on a twenty (20) foot radius to which the lot boundaries are tangent or on a straight line connecting points on both lot lines fifteen (15) feet from the corner of the lot at the intersection of the alleys. (Former section repealed by Ord. No. 1314, effective 6-26-69. New section added by Ord. No. 1380, effective 5-21-70; amended by Ord. No. 2006, effective 4-14-77.)

BICYCLE PATHS

SECTION 7025.5. In accordance with section 66475.1 of the Government Code of the State of California, if any subdivision contains two hundred (200) or more lots, and if the subdivider is required to dedicate roadways to the public, he may also be required to dedicate such additional land as may be necessary and feasible to provide bicycle paths for the use and safety of the residents of the subdivision. (Added by Ord. No. 1495, effective 3-4-72; amended by Ord. No. 1880, effective 1-1-76.)

ACCESS TO RIVERS, STREAMS, LAKES AND RESERVOIRS

SECTION 7025.7. (Added by Ord. No. 1495, effective 3-4-72; repealed by Ord. No. 1880, effective 1-1-76.)

GENERAL REQUIRE- MENTS FOR LOTS

SECTION 7026.

- (a) No lot shall be divided by the boundary line of a county, city, school district, or any other taxing district.
- (b) In a subdivision in which the lots may be resubdivided at some future time, the location of lot lines and other details of layout shall be such that resubdivision may readily take place without violating the requirements of this Chapter or the Zoning Ordinance and without interfering with the orderly extension of adjacent streets.
- (c) All lots shall be adequately drained and sloped in such a manner that surface water is conducted to underground drains or drainage channels or gutters approved by the County Surveyor.

- (d) Double frontage lots shall not be permitted except where necessary to prevent residential development from fronting on a major street, a limited access highway or a freeway or where necessitated by topographic or other physical conditions.
- (e) Reversed corner lots shall not be permitted except when they contribute to the proper design and function of a subdivision or when necessary because of topographic or other physical conditions. (Former section amended by Ord. No. 1279, effective 1-16-69; amended by Ord. No. 1300, effective 4-17-69; repealed by Ord. No. 1314, effective 6-26-69. New section adopted by Ord. No. 1314, effective 6-26-69; amended by Ord. No. 2006, effective 4-14-77.)

**LOTS: SIZE AND
SHAPE: GENERAL
PROVISIONS**

SECTION 7026.1. In addition to the other provisions of this Article governing the size and shape of lots, the following general provisions shall be complied with:

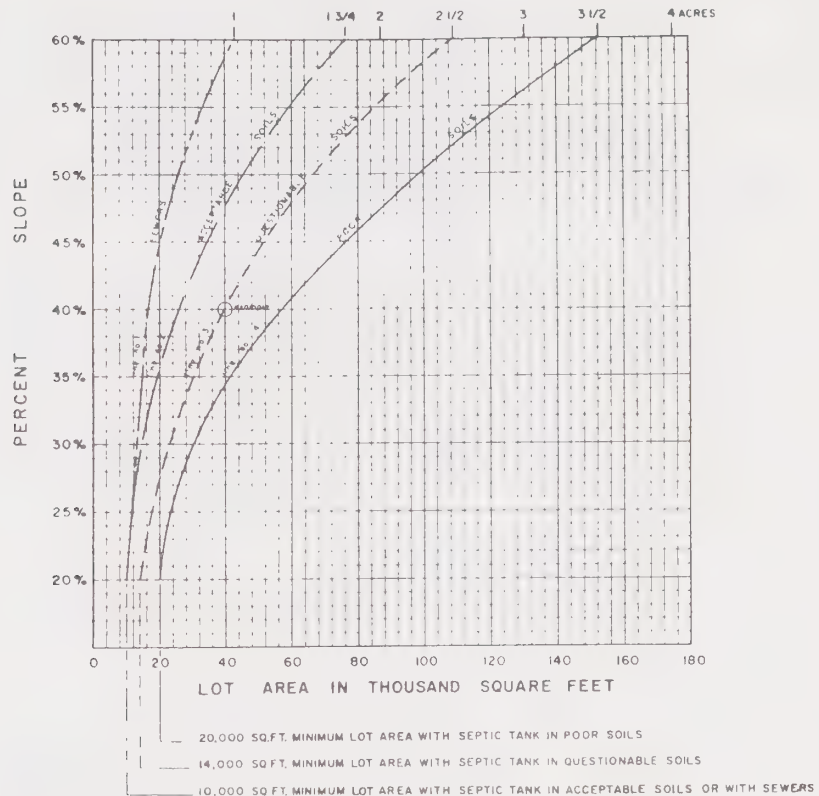
- (a) The size and shape of lots shall be appropriate for the locality in which the subdivision is situated, the topography of the land and the proposed use. The body which takes final action on the tentative map, pursuant to section 7064 of this Chapter, may require the size and shape of lots to be adjusted if said body determines that the above criteria have not been complied with.
- (b) When computing the required minimum area of lots, any portion of a lot which is within an F-1 Zone which is not combined with another zone shall not be included.
- (c) If sewage disposal is to be provided by individual septic systems, regardless of the means of providing water to the lots, the net acreage or area shall be used when computing the acreage or area of the lot. (Added by Ord. No. 1314, effective 6-26-69; amended by Ord. No. 1372, effective 4-16-70; amended by Ord. No. 1405, effective 11-12-70; amended by Ord. No. 2006, effective 4-14-77; amended by Ord. No. 2725, effective 9-29-87.)

**LOTS: SIZE:
MOUNTAINOUS
AREAS**

SECTION 7026.2. The minimum lot sizes for single family dwelling units for subdivisions in mountainous areas shall be based on the following Slope-Diagram:

SLOPE / AREA DIAGRAM

BASED ON SOIL, TOPOGRAPHICAL, HYDROLOGICAL AND GEOLOGICAL CHARACTERISTICS



EXAMPLE QUESTIONABLE SOILS WITH A 40% SLOPE
WOULD REQUIRE A LOT AREA OF 40,000
SQUARE FEET

When computing the minimum lot sizes pursuant to the diagram set forth above, the subdivision shall be divided into separate areas which have generally similar soil characteristics and generally similar slopes. Then the determination of soil type, pursuant to section 7026.3 of this Article, and the computation of the percentage of slope, pursuant to section 7026.4 of this Article, shall be computed separately for each of said areas and the diagram set forth above shall then be applied separately to each area to determine the lot size applicable within that area. If the entire subdivision has generally similar soil characteristics and slope, then the entire subdivision may be considered as a single area for the purpose of making such computations. If the Director of Planning determines that the subdivider is not making a proper division of the subdivision into areas, he may direct the subdivider to make a different division of areas. (Added by Ord. No. 1314, effective 6-26-69.)

LOT: SIZE:
MOUNTAINOUS AREAS
DEFINITIONS FOR
SLOPE-AREA
DIAGRAM

SECTION 7026.3. The following definitions shall govern the use of the diagram set forth in section 7026.2 of this Article:

- (a) The term "acceptable soils" means soils having the following characteristics:
 - (1) Percolation test results whose rates are between five (5) minutes and sixty (60) minutes per inch, said percolation tests to be conducted in accordance with procedures and standards established by the Manual of Septic Tank Practice, Public Health Service Publication No. 626 of the Department of Health, Education and Welfare.
 - (2) An average depth of soil mantle of seven (7) feet above bedrock or any underlying saturated zone. The saturated zone is the highest expected water table.
 - (3) The area to be utilized for a disposal field shall not be subject to flooding or ponding by a ten (10) year flood or storm or one of a greater magnitude.
- (b) The term "poor soil" means soils having the following characteristics:
 - (1) Percolation test results whose rates are between sixty (60) and one hundred twenty (120) minutes per inch, based on the procedures and standards referred to in subsection (a) above.
 - (2) An average depth of soil mantle of three (3) to five (5) feet and/or excessive amounts of clay or critically expansive soils.
- (c) The term "questionable soils" means all soils which do not come within the definition of "acceptable soils" or "poor soils." (Added by Ord. NO. 1314, effective 6-26-69; amended by Ord. No. 2149, effective 9-7-78.)

**LOTS: MOUNTAINOUS
AREAS DIAGRAM:
PERCENTAGE OF
SLOPE**

SECTION 7026.4. To determine the percentage of slope, for use in the diagram set forth in section 7026.2 of this Article, the contour measurement method shall be used. The following formula shall be used to determine the average terrain slope of a given area:

$$S = \frac{2.29 \times 10^{-3} \quad IL}{A}$$

S = Average slope of terrain in percent.

A = Total number of acres in given area.

L = Length of contour lines in scaled feet.

I - Vertical distance of contour interval in feet.

(Added by Ord. No. 1314, effective 6-26-69.)

**LOTS: MOUNTAINOUS
AREAS DIAGRAM:
COMMUNITY SEWAGE
SYSTEMS**

SECTION 7026.5 When a community sewage system is to be provided in a subdivision in a mountainous area, the minimum lot size may be reduced down to, but not beyond, the minimum lot area prescribed by Line No. 1 in the diagram set forth in section 7026.2 of this Article. (Added by Ord. No. 1314, effective 6-26-69.)

**LOTS: NON-
MOUNTAINOUS
AREAS**

SECTION 7026.6. For subdivisions which are not in mountainous areas, the lot sizes shall not be less than the minimums specified in the Zoning Ordinance and they shall comply with the minimum requirements in this section as well. The minimum lot area shall be eight thousand square feet (8,000) if water is provided by individual wells and sewage disposal is provided by a community system. The minimum lot area shall be twelve thousand five hundred (12,500) square feet if sewage disposal is provided by individual systems on the lots and water is provided by a community system. If both water and sewage disposal are provided by individual systems on the lots, the minimum lot area shall be one (1) acre. If both water and sewage disposal are provided by means of community systems, the minimum lot area shall be six thousand (6,000) square feet for interior lots and seven thousand (7,000) square feet for corner lots. These minimum lot areas are based on the subdivision having an adequate soil mantle depth and soil permeability, and larger lots shall be required when the subdivision does not meet any of these qualifications. (Added by Ord. No. 1314, effective 6-26-69; amended by Ord. No. 1495, effective 3-4-72.)

**LOT WIDTHS
AND DEPTHS**

SECTION 7027.

- (a) The average width of each lot shall conform to the requirements of the Zoning Ordinance in zoned areas. If the average lot width is not specifically stated in the Zoning Ordinance, the average width of each interior residential lot shall be not less than sixty (60) feet and the average width of each corner residential lot shall be not less than seventy (70) feet.

- (b) The average depth of each residential lot shall be not less than one hundred (100) feet. The average depth of each residential lot shall be not more than one hundred fifty (150) feet if the area of the lot is less than eight thousand (8,000) square feet.
- (c) Each residential lot shall have a minimum of forty (40) feet frontage on a street.
- (d) In mountainous areas, the average lot width shall be at least one-fourth ($1/4$) of the average lot depth. In all other areas, the average lot width shall be at least one-third ($1/3$) of the average lot depth. The requirements of this subsection shall not be applicable to any lot which is ten (10) acres or more in size.
- (e) Lots of the type commonly known as "panhandle," "flag" and "dumbbell" lots, and other lots with extreme variances in width or depth, shall not be permitted unless they are proper under subsection (a) of section 7026.1 of this Article. However, panhandle lots shall be allowed in mountainous areas if all of the following requirements are complied with:
 - (1) One (1) or more of the side or rear lot lines, having a total length of fifty (50) feet or more, are adjacent to an area of open space, as defined in section 7006.12a of this Chapter, and said area of open space has a depth of at least three hundred (300) feet measured at right angles from an adjacent lot line.
 - (2) The subdivider constructs a private access road on the panhandle portion of the lot, which need not be paved, having a minimum width of twenty (20) feet if serving two (2) or more lots. If there is evidence of excessive clay soils and/or the proposed finished access road will have grades of fifteen percent (15%) or more, the subdivider shall construct a paved surface having a minimum width of ten (10) feet if serving one (1) lot and a minimum width of sixteen (16) feet if serving two (2) or more lots.
 - (3) Additional fire hydrants will be installed by the subdivider, if found necessary by the County Fire Warden, to provide adequate fire protection to the panhandle lots.
 - (4) Sufficient evidence is presented to the body that takes final action on the tentative map to establish to their satisfaction that there is no other practical way to develop or use the land involved and that, because of the nature of the topography or extreme irregularities in the

boundaries of the subdivision, failure to allow the panhandle lot would deprive the subdivider of beneficial use of the property. (Amended by Ord. No. 1279, effective 1-16-69; amended by Ord. No. 1314, effective 6-26-69; amended by Ord. No. 1411, effective 12-4-70; amended by Ord. No. 1880, effective 1-1-76.)

LOTS: SIDE LINES

SECTION 7028. The side lines of lots shall run at right angles to the street upon which the lot faces, as far as practicable. However, in mountainous areas, the side lines of lots may be adjusted in order to provide adequate access to lots if approved by the Director of Planning. (Former section amended by Ord. No. 1279, effective 1-16-69; repealed by Ord. No. 1314, effective 6-26-69. New section adopted by Ord. No. 1314, effective 6-26-69.)

BLOCKS

SECTION 7029.

- (a) Blocks shall not exceed one thousand three hundred twenty (1,320) feet in length except where necessitated by topographic or other physical conditions. Long blocks shall be provided adjacent to four lane streets in order to reduce the number of intersections.
- (b) The depth of blocks shall be sufficient to allow two (2) tiers of lots with rear easements as required, but blocks shall not exceed three hundred (300) feet in depth except where necessitated by topographic or other physical conditions. (Amended by Ord. No. 1380, effective 5-21-70.)

RAILROAD AND GRADE CROSSINGS

SECTION 7030.

- (a) If a subdivision adjoins a railroad right of way and the General Plan or the Zoning Ordinance designates the property for industrial use, the streets nearest to and having the same general alignment as the railroad shall be as nearly parallel thereto as practicable and at a sufficient distance therefrom to provide suitable depth for industrial sites between the street and the railroad.
- (b) If a subdivision adjoins a railroad and the street layout involves a railroad grade crossing, the possibility of a grade separation or other treatment shall be considered, and the plan of the subdivision may be required to conform to prescribed conditions in anticipation of a grade separation or other treatment. (Amended by Ord. No. 1405, effective 11-12-70.)

DRAINAGE

SECTION 7031.

- (a) The subdivider shall provide structures with storm sewers and drainage channels necessary for adequate drainage of surface and storm waters generated by the subdivision or flowing across the subdivision. Disposal of surface and storm waters into drainage wells, drainage lines or into leaching lines of individual sanitary sewage disposal systems shall not be permitted. Except in areas located within selected flood lines, the design of drainage facilities shall be based on the ten (10) year storm and approved by the Public Works Director prior to the commencement of construction.
- (b) If the subdivision is traversed by water courses, channels, streams or creeks for which floodways or selected flood lines have not been established, the subdivider shall dedicate rights of way or easements for storm drainage purposes conforming substantially with the lines of such watercourses, channels, streams or creeks, if he has sufficient title to make such conveyances, and shall dedicate such additional rights of way as shall be required by the Public Works Director for structures or channel changes or both to dispose of surface and storm waters.
- (c) If all or a portion of the subdivision is located within the boundaries of a PD-F, Planned Development Foothill Zone, established pursuant to the Zoning Ordinance, and the final geological-hydrological report indicates the presence of slopes in excess of fifteen percent (15%) and/or soils characterized by slow infiltration rates and high runoff potential, the subdivider shall provide drainage structures designed to detain the stormwater generated by the subdivision within the subdivision site in order to prevent potential erosion, sedimentation and flooding. (Amended by Ord. No. 1314, effective 6-26-69; amended by Ord. No. 1372, effective 4-16-70; amended by Ord. No. 1880, effective 1-1-76; amended by Ord. No. 2429, effective 8-20-81; amended by Ord. No. 2725, effective 9-29-87.)

DRAINAGE: PONDING LOTS

SECTION 7031.2.

- (a) If it is not feasible to provide for an adequate system of drainage outside of the subdivision, a ponding lot or lots shall be required within the subdivision to provide for drainage of surface and storm waters generated in the subdivision or flowing across the subdivision. The ponding lot or lots shall be located adjacent to the probable route of any drainage facility that might be constructed in the future in order to facilitate connection to such drainage facility when it is constructed.

- (b) The area of the ponding lot or lots shall be established on the basis of one (1) subdivision lot for each twenty (20) lots in the subdivision if the subdivision lots average one-half (1/2) acre or less in area, and one (1) lot for each thirty (30) lots in the subdivision if the subdivision lots average more than one-half (1/2) acre in area. In determining the number of subdivision lots to be dedicated as a ponding lot or lots, the above computations shall be adjusted to the nearest full subdivision lot. The subdivision lot or lots provided shall have an area equal to or greater than the average area of all the lots in the subdivision.
- (c) Ponding lots shall have one and one-half (1-1/2) feet of freeboard, a maximum water depth of three (3) feet and a water surface elevation of one-half (1/2) foot below the grate flow line of the lowest catch basin in the system. Ponding lots shall be constructed in accordance with the improvement standards referred to in section 7080 of this Chapter.
- (d) The subdivider shall convey an easement to the County for the use of said ponding lot or lots, or he may convey fee title to the County if he prefers. (Added by Ord. No. 1380, effective 5-21-70; amended by Ord. No. 1880, effective 1-1-76.)

FIRE PROTECTION

SECTION 7032.

- (a) Fire hydrants shall be provided in a subdivision if the lots are served by a community water system. The hydrants shall be designed and constructed in accordance with the standards for water systems referred to in section 7080 of this Chapter.
- (b) Fuel breaks and safety areas may be required by the body which takes final action on the tentative map, pursuant to section 7064 of this Chapter, in potential fire hazard regions, as designated by the County Fire Warden. Provision for adequate maintenance of fuel breaks and safety areas shall be provided by the subdivider prior to the approval of a final map.
- (c) Subdivisions located in potential fire hazard regions, as designated by the County Fire Warden, shall have two (2) access routes. (Former section repealed, and new section adopted, by Ord. No. 1314, effective 6-26-69; amended by Ord. No. 1375, effective 4-16-70; amended by Ord. No. 1405, effective 11-12-70.)

SEWAGE DISPOSAL: SANITARY SEWER SYSTEM

SECTION 7033. All lots within a subdivision shall be connected to a sanitary sewer system operated by a political subdivision if the trunk line or other access point is located within one thousand three hundred twenty (1,320) feet of any portion of the subdivision. However, such

connection to a sanitary sewer system shall not be required if the political subdivision will not allow the connection or if the political subdivision will not make satisfactory arrangements with the subdivider for reimbursement to the subdivider for additional connections to the sewer line by other property owners outside of the subdivision. If sewer disposal is to be provided pursuant to this section, the governing board controlling the sewer system shall submit a letter to the Director of Planning indicating the ability of the system to handle sewage from the subdivision and that satisfactory arrangements have been made with the subdivider for connection to the system. (Amended by Ord. No. 1314, effective 6-26-69; amended by Ord. No. 1405, effective 11-12-70; amended by Ord. No. 1495, effective 3-4-72.)

**SEWAGE DISPOSAL:
SEPTIC TANKS**

SECTION 7033.1. If connection to a sanitary sewer system is not required under section 7033 of this Article, provision shall be made for adequate sewage disposal by the installation of individual sewage disposal systems, such as septic tanks and leach lines, unless the body taking final action on the tentative map determines that such a method of sewage disposal will not be adequate for the subdivision or would be in violation of the Subdivision Map Act. A letter shall be submitted by the County Health Department certifying that field investigation, and the tests and reports submitted by the subdivider, show that ground slopes and soil conditions will allow satisfactory sewage disposal by this method, with the lot arrangement and sizes as set forth on the subdivision map. Individual sewage systems shall comply with all applicable provisions of Chapter 7 (commencing with section 4700) or Part IV of this Ordinance Code and, to protect water quality and public health, shall comply with the following setback requirements:

SETBACK REQUIREMENTS IN FEET

<u>Facility</u>	<u>Drainage course, ditch or ephemeral stream (a)</u>	<u>Cut or fill bank</u>	<u>Property line (c)</u>	<u>Lake or reservoir (d)</u>
Septic tank or sewer line	25	10	25	50
Leaching field	50	(b)	50	200
Seepage pit	50	(b)	75	200

(a) As measured from the edge of the drainage course, ditch or stream.

- (b) Distance in feet equals four (4) times the vertical height of the cut or fill bank. Distance is measured from the top edge of the bank or the toe edge of the fill.
- (c) This distance shall be maintained when individual wells are to be installed and the County Health Officer determines that the minimum distance between waste disposal and wells cannot be assured.
- (d) As measured from the high water line. (Added by Ord. No. 1314, effective 5-26-69; amended by Ord. No. 1405, effective 11-12-76; amended by Ord. No. 1495, effective 3-4-72; amended by Ord. No. 1880, effective 1-1-76; amended by Ord. No. 1912, effective 4-22-76; amended by Ord. No. 2149, effective 9-7-78; amended by Ord. No. 2725, effective 9-29-87.)

**SEWAGE DISPOSAL
COMMUNITY DIS-
POSAL SYSTEM**

SECTION 7033.2. If connection to a sanitary sewer system is not required under section 7033 of this Article, and if the body which takes action on the final map determines that individual sewage disposal systems shall not be used pursuant to section 7033.1 of this Article, then the subdivider shall construct a community disposal system. Plans for such sewage systems shall be submitted to the County Health Department for approval. Construction shall not be commenced upon any such system until all portions of the system have been approved, in writing, by the County Health Department and until provision has been made for maintenance of the system after it is constructed. (Added by Ord. No. 1314, effective 6-26-69; amended by Ord. No. 1372, effective 4-16-70; amended by Ord. No. 1495, effective 3-4-72; amended by Ord. No. 1880, effective 1-1-76.)

**SEWAGE SYSTEMS:
SIZE REQUIRE-
MENTS**

SECTION 7033.3. In cases where individual sewage systems are proposed, the size of the system and the area requirements of the absorption field shall be calculated by the following two tables:

TABLE 1. ABSORPTION AREA REQUIREMENTS FOR INDIVIDUAL RESIDENCES (a)

<u>Percolation Rate (time required for water to fall one (1) inch (e))</u>	<u>Required absorption area in square feet per bedroom (b), standard trench (c), seepage beds (c), and seepage pits (d)</u>
5 minutes	125 square feet
10 "	165 " "
15 "	190 " "
30(f) "	250 " "
45(f) "	300 " "
60(f)(g)"	330 " "

- (a) Regardless of any other provisions of this Chapter establishing minimum parcel size, the minimum size of every lot must be sufficient in area for an entirely new absorption system to be constructed in the future if the original system should fail.
- (b) In every case, sufficient land area shall be provided for the number of bedrooms (minimum of two (2) that can be reasonably anticipated, including the unfinished space available for conversion into additional bedrooms.
- (c) Absorption area is figured as trench-bottom area and includes a statistical allowance for vertical side wall area.
- (d) Absorption area for seepage pits is figured as effective side wall area beneath the inlet.
- (e) If the percolation rate is not shown on this Table, the required absorption area shall be determined by using a straight line interpolation of absorption area requirements set forth in the manual of Septic Tank Practices, Public Health Service Publication No. 526 of the Department of Health, Education and Welfare.
- (f) Unsuitable for seepage pits if over thirty (30) minutes per inch. A special design system is required.
- (g) Unsuitable for absorption system is over sixty (60) minutes per inch. A special design system is required.

TABLE 2. ALLOWABLE REDUCTION BY PERCENTAGE OF LENGTH OF STANDARD LEACH LINE TRENCH (a)

Depth of gravel below pipe in inches (a)	Trench width 18"	Trench width 24"	Trench width 36"	Trench width 48"	Trench width 60"
18	64%(b)	66%(b)	71%(b)	75%(b)	78%(b)
24	54	57	62	66	70
30	47	50	55	60	64
36	41	44	50	54	58
42	37	40	45	50	54

(a) The "standard" leach line trench which serves as the standard for this chart is one in which the filter material extends two (2) inches above the twelve (12) inches below the pipe.

(b) This is the percentage of the required length of the standard trench.

For leach line trenches or seepage beds having widths not shown in Table 2, the percentage of length of standard leach line trench shall be computed as follows:

Percent of length standard leach line trench -

$$\frac{w + 2}{w + 1 + 2d} \times 100$$

where w = width of leach line trench in feet
d = depth of gravel below pipe in feet.

(Added by Ord. No. 2149, effective 9-7-78.)

SEWAGE SYSTEMS:
SPECIAL DESIGN
SEWAGE SYSTEMS

SECTION 7033.4.

(a) A special design sewage disposal system is one which exceeds or varies significantly from the criteria set forth in the Uniform Plumbing Code. The following procedures and criteria are applicable for special design sewage disposal systems where the soil conditions, hydrology, topography or ultimate use precludes compliance with the minimum requirements for on-lot sewage disposal, including any of the following conditions:

- (1) Percolation rates slower than sixty (60) minutes per inch for disposal fields, slower than thirty (30) minutes per inch for seepage pits, or rates faster than five (5) minutes per inch. Percolation rates greater than one hundred twenty (120) minutes per inch are not suitable for in-ground percolation systems.

- (2) Installations on slopes greater than thirty per cent (30%).
 - (3) Ground water table less than five (5) feet below the leaching trench.
 - (4) For any use other than single family residential use.
- (b) Special design systems shall be prepared by a registered civil engineer, registered engineering geologist, registered sanitarian, or other competent persons who are registered professionals knowledgeable and experienced in the field of sewage disposal system design and installation. All special design disposal system plans, specifications and engineering data shall be submitted to the County Health Department for review, evaluation and final approval.
 - (c) A plot plan of the proposed special design system shall be filed in triplicate and shall include the following data:
 - (1) Assessor's parcel number.
 - (2) Address of property, with sufficient information to accurately locate the property on the soils map of Tulare County.
 - (3) Owner's address and telephone number.
 - (4) Name of the individual or firm designing the plan, address and telephone number.
 - (5) Plot plan of site indicating north arrow, location of proposed improvements on property (dwelling, driveways, walks, water, gas lines, or other structures) and location of all existing wells and sewage disposal systems, if any are located on adjacent property within fifty (50) feet of the property lot line. (Added by Ord. No. 2149, effective 9-7-78.)

**DOMESTIC WATER:
MEANS OF
SUPPLYING**

SECTION 7034. Provisions shall be made for providing an adequate and safe supply of water to all lots in the subdivision and no tentative subdivision map shall be approved unless there is assurance of such an adequate and safe supply of water. Subject to the requirements of section 7034.1 and 7034.2 of this Article, water may be supplied by one of the following means:

- (a) Connection to a public utility, in which case a letter from the public utility company shall be submitted to the Building and Planning Director indicating its ability to serve the proposed subdivision.

- (b) Establishment of a mutual or private water system subject to approval by the County Health Department of the quality and safety of the proposed water supply.
- (c) Service from individual wells or springs which have been approved by the County Health Department as to the quality and safety of the proposed supply.

The water systems shall be designed and installed in accordance with the standards referred to in section 7080 of this Chapter. (Amended by Ord. No. 1314, effective 6-26-69; amended by Ord. No. 1405, effective 11-12-70; amended by Ord. No. 1547, effective 4-1-73; amended by Ord. No. 1880, effective 1-1-76.)

**DOMESTIC WATER:
PLANNED DEVELOP-
MENT FOOTHILL
ZONE AND MOUN-
TAINOUS AREAS**

SECTION 7034.1.

- (a) If any lot in the subdivision is less than five (5) acres in size, and all of a portion of the subdivision is in a mountainous area, domestic water for the subdivision shall be supplied only by the means set forth in subsection (a) or in subsection (b) of section 7034 of this Article, and water shall not be supplied from individual wells or springs pursuant to subsection (c) of section 7034.
- (b) Regardless of the provisions of subsection (a) of this section, if any lot in the subdivision is less than ten (10) acres in size, and all or a portion of the subdivision is within the boundaries of the PD-F, Planned Development Foothill Zone, established pursuant to the Zoning Ordinance, domestic water for the subdivision shall be supplied only by the means set forth in subsection (a) or in subsection (b) of section 7034 of this Article. (Added by Ord. No. 1314, effective 6-26-69; amended by Ord. No. 1880, effective 1-1-76; amended by Ord. No. 2429, effective 8-20-81.)

**DOMESTIC WATER:
NON-MOUNTAINOUS
AREAS**

SECTION 7034.2. The domestic water for subdivisions which are not in mountainous area shall be supplied by the means set forth in subsection (a) or in subsection (b) of section 7034 of this Article. Domestic water may be supplied by means of wells or springs on individual lots only under the following circumstances:

- (a) If all of the lots in the subdivision are to be one (1) acre or more, water may be supplied from wells or springs on individual lots, pursuant to subsection (c) of section 7034 of this Article, if the body which takes final action on the tentative map, pursuant to section 7064 of this Chapter, finds, on evidence submitted by the subdivider and the County Health Department that an adequate supply of potable water is available and can be obtained from wells or springs for all lots in the subdivision and, if individual

sewage disposal systems will be used, that such individual sewage disposal systems will be located and constructed so as not to contaminate any existing or proposed well or any existing stream or underground water supply on the property to be subdivided or adjoining property.

- (b) If any of the lots in the subdivision are to be less than one (1) acre, water may be supplied from wells or springs on individual lots, pursuant to subsection (c) of section 7034 of this Article, only if sewage disposal is provided by a sanitary sewer system or a community disposal system pursuant to sections 7033 and 7033.2 of this Article, and if the body which takes final action on the tentative map finds, on evidence submitted by the subdivider and the County Health Department, that an adequate supply of potable water is available and can be obtained from wells or springs for all lots in the subdivision. (Added by Ord. No. 1314, effective 6-26-69; amended by Ord. No. 1405, effective 11-12-70; amended by Ord. No. 1495, effective 3-4-72; amended by Ord. No. 1547, effective 4-1-73; amended by Ord. No. 1880, effective 1-1-76.)

UTILITY EASEMENTS

SECTION 7035. The tentative and final subdivision maps shall show the proposed location of easements for the placement of utilities where necessary to provide the subdivision with electric power, communication facilities, street lighting, sewer lines and gas lines. (Such easements shall be labeled "Easements for Public Utilities." (Added by Ord. No. 1314, effective 6-26-69; amended by Ord. No. 1880, effective 1-1-76; amended by Ord. No. 2268, effective 9-20-79.)

STREET LIGHTING

SECTION 7035.5. In subdivisions where the electrical service will be underground, the subdivider may be required to provide ducts from the underground electrical wiring installed in the subdivision to places within the subdivision where street lights may be constructed at some future time. In determining whether a subdivider shall be required to construct any such ducts in the subdivision, the body taking final action on the tentative map shall only require such ducts to be constructed in those cases where it appears under Resolution No. 71-4871 of the Board of Supervisors that a street light will be needed at such location after houses have been constructed on some or all of the subdivision lots, and that the County will pay the cost of the electricity. The subdivider shall contact the utility company providing electricity to the subdivision to determine the duct size required, the location with respect to other underground facilities, the size of pull wire required and the method of capping the duct. The subdivider is not required to provide the electric service cable. (Added by Ord. No. 2268, effective 9-20-79.)

**WAIVER OF ACCESS
RIGHTS**

SECTION 7036. Waiver or rights of direct access to streets and highways may be required pursuant to the provisions of section 66476 of the Government Code of the State of California. (Amended by Ord. No. 1057, effective 4-7-66; amended by Ord. No. 1880, effective 1-1-76.)

RESERVE STRIPS

SECTION 7037. (Amended by Ord. No. 887, effective 4-25-63; repealed by Ord. No. 1880, effective 1-1-76.)

**SIGN AND TRAFFIC
CONTROL DEVICES**

SECTION 7038.

- (a) The subdivider shall provide one (1) street name sign at each intersection within the subdivision. The subdivider shall also provide such additional signs and traffic control devices as are required by the body approving the tentative map. The types and locations of all signs and traffic control devices shall be approved by the Public Works Director.
- (b) In mountainous areas where steep cut and fill slopes prevent parking off the paved portion of a road, if the Board of Supervisors adopts an ordinance prohibiting parking in such areas prior to the final acceptance of the subdivision improvements by said Board, the subdivider shall provide the signs required to designate such areas where parking is prohibited. The improvement plans shall indicate the specific areas where parking is to be prohibited. The type of signs and the locations shall be approved by the Public Works Director.
- (c) If the subdivider and Public Works Director mutually agree that the County shall furnish and install the signs and/or traffic control devices required by this section, the subdivider shall reimburse the County for the full cost of furnishing and installing such signs and/or traffic control devices. (Amended by Ord. No. 932, effective 12-5-62; amended by Ord. No. 1314, effective 6-26-69; amended by Ord. No. 1380, effective 5-21-70; amended by Ord. No. 2316, effective 3-27-80.)

COMMERCIAL AREAS

SECTION 7039. When property is designated on the General Plan or by the Zoning Ordinance for commercial use, the plan of the subdivision shall be appropriate for such use. Streets shall have adequate capacity to handle the anticipated traffic that will utilize them. Insofar as possible, streets shall be laid out so that there will be direct access to the commercial area from Select System or Class 3 Roads without utilizing lesser streets or traversing residential areas. Lot areas and dimensions shall conform to the requirements of the Zoning Ordinance and shall be adequate to accommodate the yard spaces, offstreet parking facilities and offstreet loading facilities required by the Zoning Ordinance and such additional spaces and other service facilities as are needed for the type of use and

development contemplated. (Amended by Ord. No. 1380, effective 5-21-70; amended by Ord. No. 1880, effective 1-1-76.)

INDUSTRIAL AREAS

SECTION 7040. When property is designated on the General Plan for the Zoning Ordinance for industrial use, the plan of the subdivision shall be appropriate for such use. Streets shall be laid out so that there will be direct access to the industrial area from Select System or Class 3 Roads without utilizing lesser streets or traversing residential or commercial areas. Lot areas and dimensions shall conform with the requirements of the Zoning Ordinance and shall be adequate to accommodate the yard spaces, off-street parking facilities and offstreet loading facilities required by the Zoning Ordinance and such additional spaces and other service facilities as are needed for the type of use and development contemplated. (Amended by Ord. No. 1380, effective 5-21-70; amended by Ord. No. 1880, effective 1-1-76.)

PLANNED UNIT DEVELOPMENTS

SECTION 7041. If, in accordance with the provisions of the Zoning Ordinance, a use permit has been granted authorizing a planned unit development on the land or a portion of the land proposed to be subdivided, the plan of the subdivision shall be appropriate for the planned unit development. Exceptions to the subdivision regulations which are necessary to make the planned unit development practicable may be authorized in accordance with the provisions of Article 8 of this Chapter. (Amended by Ord. No. 1405, effective 11-12-70.)

HAZARDOUS AREAS

SECTION 7042. Areas subject to slides or other similar hazards to public safety shall not be subdivided unless preventative measures have been taken by the subdivider, under the direction of an engineering geologist, soils scientist or registered civil engineer, which are satisfactory to the body which takes final action on the tentative map pursuant to section 7064 of this Chapter. (Amended by Ord. No. 1314, effective 6-26-69; amended by Ord. No. 1405, effective 11-12-70.)

FLOODING AND PONDING AREAS

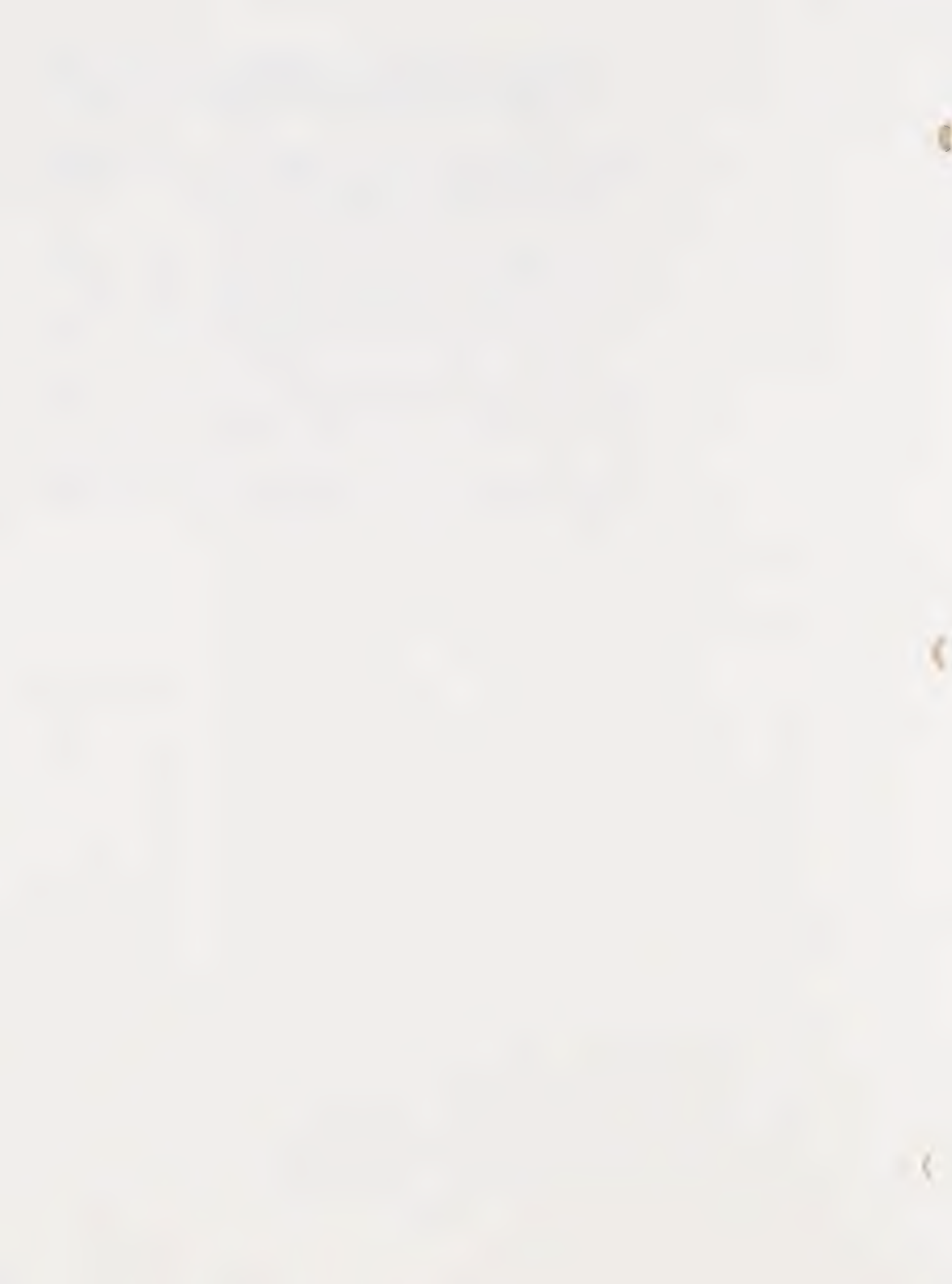
SECTION 7043. Areas which are located within a floodway or selected flood lines or which are otherwise subject to the ponding of surface water shall not be subdivided until one or more of the following measures have been taken to prevent such flooding or ponding:

- (a) If any portion of the subdivision is located within a floodway or selected flood lines, the subdivider shall provide flood control devices to divert flood waters from the areas in the subdivision to be developed and shall dedicate such rights of way or easements as may be required by the Tulare County Flood Control District for the disposal of flood water. The subdivider shall design the subdivision to insure that the conveyance capacities of the selected flood are not

diminished or velocities increased and that public and private property damage by flooding, both to properties within and adjoining the subdivision, will be avoided.

- (b) All public utilities and facilities such as sewer, gas, electrical, and water systems shall be located and constructed to minimize flood damage.
- (c) Building pads may be required in order to assure that development within the subdivision conforms to the flood damage prevention requirements set forth in Chapter 8 of this Part. If building pads are required, the elevation certificates described in Section 7080.3 shall also be required.

The County Public Works Director shall review measures taken or proposed to be taken by the subdivider to prevent flooding or ponding of surface water and shall file a report with the Building and Planning Director on the adequacy of such measures. (Amended by Ord. No. 1405, effective 11-12-70; amended by Ord. No. 2524, effective 3-31-83; amended by Ord. No. 2725, effective 9-29-86.)



ARTICLE 2.5 FEES

(Article 2.5 added by Ord. No. 2684, effective 1-9-86; amended by Ord. No. 2728, effective 10-16-86.)

SCHEDULE OF FEES: SECTION 7045. Unless otherwise provided, the following
BUILDING AND schedule of fees shall be applicable to all applications
PLANNING DIRECTOR and filings, made with the Building and Planning Director
pursuant to this Chapter and Chapter 1.5 of this Part
(amended by Ord. No. 2797, effective 10-24-87):

SCHEDULE OF FEES

Preliminary map for a subdivision
for which tentative and final
maps are required under the
Subdivision Map Act \$ 405.00

Preliminary map required by Section
7104.5 of this Ordinance Code
for a subdivision for which a
parcel map is required under the
Subdivision Map Act \$ 145.00

Application for waiver of preliminary
map requirement \$ 35.00

Initial Fee for Health Officer review
of geological-hydrological report
required by this Chapter \$ 29.50

Tentative map for a subdivision filed under Section 7060 of
this Chapter:

Total Number of Lots
on Tentative Map

1-12	\$ 488.00
13-25	\$ 232.00 plus \$21.35 per lot
26-50	\$ 765.75 plus \$17.35 per lot over 25 lots
51-100	\$1199.50 plus \$9.35 per lot over 50 lots
More than 100	\$1667.00 plus \$3.07 per lot over 100 lots

A designated remainder parcel shall be counted as a lot for the purpose of computing the fee to be paid.

Request for an extension of
time for a tentative
subdivision map \$ 70.00

Minor revision to tentative
subdivision map or
tentative parcel map \$ 195.00

Major revision to tentative
subdivision map or
tentative parcel map One half (1/2) of
the fee required
for filing a ten-
tative subdivision
or parcel map, not
less than \$275.00

Tentative parcel map filed under Section 7104.6 of this
Chapter:

Total Number of Lots on
Tentative Parcel Map

1 - 4 \$174.00 plus
\$116.00 per lot

More than 4 \$638.00 plus
\$16.20 over lot
over 4 lots

A designated remainder parcel shall be counted as a
lot for the purpose of computing the fee to be paid.

Application for waiver of the
final parcel map \$ 31.50

Request for an extension of time
for a tentative parcel map \$ 31.50

Lot line adjustment map filed under Section 7112.5 of this
Chapter:

Total Number of Lots on
Lot Line Adjustment Map
After the Adjustment

2 \$ 115.00

More than 2 \$ 115.00 plus
\$31.50 per lot
over 2 lots

Application for exception in conjunction with:

Tentative Subdivision Map \$ 140.00

Tentative Parcel Map \$ 31.50

Additional fee for application
for exception after approval
of final subdivision or parcel
map if lots have been sold or
committed for sale and a public
hearing is required \$ 47.50

Application for certificate
of compliance \$ 180.00

**ADDITIONAL FEES:
VESTING TENTA-
TIVE MAPS**

SECTION 7046. In addition to the fees set forth in Section 7045, subdividers who file vesting maps pursuant to the Subdivision Map Act shall pay the following fees to defray the additional expenses incidental to processing the map. These additional fees are also intended to recover the direct costs associated with establishing and adopting County procedures for vesting tentative maps in accordance with Section 66498.8 of the Government Code of the State of California. (Amended by Ord. No. 2728, effective 10-16-86.)

ADDITIONAL VESTING MAP FEES

Preliminary Map for a Vesting
Tentative Subdivision Map \$ 200.00

Vesting Tentative Map for a
subdivision filed under
Section 7060 of this Chapter . . . \$ 100.00

Preliminary Map for a Vesting
Tentative Parcel Map \$ 105.00

Vesting Tentative Map for a
parcel Map filed under
Section 7104.6 of this Chapter . . \$ 52.50

**SCHEDULE OF FEES:
PUBLIC WORKS
DIRECTOR**

SECTION 7047. Unless otherwise provided, the following schedule of fees shall be applicable to all applications and filings, made with the Public Works Director pursuant to this Chapter. (Added by Ord. No. 2684, effective 1-9-86; amended by Ord. No. 2689, effective 2-6-86.)

Final map of a subdivision filed
in accordance with Section 7070
of this Chapter \$55.00 plus \$6.50
for each lot in
the proposed
subdivision

Plan checking and inspection of improvements required for a subdivision filed under Section 7070 of this Chapter:

Total Estimated Cost
of all Improvements

\$200,000 or less	3% of the estimated cost
\$200,001-\$500,000	\$6,000.00 plus 2% of the estimated cost in excess of \$200,000
More than \$500,000	\$12,000 plus 1-1-2% of the estimated cost in excess of \$500,000; provided, however, if the actual cost incurred by the County is less than the total fee paid, the subdivider may apply for a refund of the portion of the fee paid in excess of the actual cost to the County

Final parcel map filed in
accordance with Section
7106.2 of this Chapter \$150.00

Plan checking and inspection
of improvements required
for a parcel map filed
under Section 7106.2 of
this Chapter 3% of the total
cost of constructing the
improvements required by the
County

ARTICLE 3. PRELIMINARY MAP

PRELIMINARY MAP: FEES

SECTION 7050. Prior to submitting a tentative map, a subdivider shall submit to the Building and Planning Director twelve (12) copies of a preliminary map and such additional copies as may be required for transmission to interested public and private agencies. At the time of filing the preliminary map, the subdivider shall pay to the Building and Planning Director the applicable fee set forth in Article 2.5 of this Chapter to defray the expenses incidental to processing the map. Upon submittal, the Building and Planning Director shall transmit one (1) copy of the preliminary map to each of the other members of the Site Plan Review Committee established pursuant to Section 16.2 of the Zoning Ordinance, together with requests for recommendations thereon. Additional copies of the preliminary map shall be transmitted to the County Fire Warden and to each public and private agency to which a copy of a tentative map will be transmitted, in accordance with Section 7060 of this Chapter, with a request for recommendations on the proposed subdivision. (Amended by Ord. No. 1314, effective 6-26-69; amended by Ord. No. 1375, effective 4-16-70; amended by Ord. No. 1880, effective 1-1-76; amended by Ord. No. 2158, effective 9-28-78; amended by Ord. No. 2429, effective 8-20-81; amended by Ord. No. 2439, effective 10-1-81; amended by Ord. No. 2463, effective 3-25-82; amended by Ord. No. 2524, effective 3-31-83; amended by Ord. No. 2590, effective 3-15-84; amended by Ord. No. 2684, effective 1-9-86.)

WAIVER OF PRE- LIMINARY MAP: FEES

SECTION 7050.2

In the event the subdivider wishes to file the tentative map without filing a preliminary map, he may file with the Building and Planning Director an application for waiver of the preliminary map requirement. The application shall fully state the grounds for the waiver and, in particular, why the filing of the preliminary map would not serve the purposes set forth in Section 7000 of this Chapter. The subdivider shall pay the applicable fee set forth in Article 2.5 of this Chapter to the Building and Planning Director to defray the expenses of processing the application for waiver. If the Building and Planning Director determines that filing of the preliminary map and holding a design conference will not serve the purposes set forth in Section 7000 of this Chapter, he may waive the requirements for filing a preliminary map; however, the Building and Planning Director may not under any circumstances waive the filing of a preliminary map for a subdivision for which a vesting tentative map is to be filed or for a subdivision to be located within the boundaries of a zone, established pursuant to the Zoning Ordinance, which requires a site plan review for subdivisions. (Added by Ord. No. 2158, effective 9-28-78; amended by Ord. No. 2429, effective 8-20-81; amended by Ord. No. 2524, effective 3-31-83; amended

by Ord. No. 2590, effective 3-15-84; amended by Ord. No. 2683, effective 1-2-86.)

FORM

SECTION 7051. The preliminary map shall be completed as to form and contain the information required by section 7052 of this Article. The preliminary map shall be clearly and legibly drawn. The size of the sheet shall be appropriate to allow proper review, as determined by the Building and Planning Director. The scale of the map shall be one (1) inch equals one hundred (100) feet or a decimal fraction or a multiple of one hundred (100) feet. (Amended by Ord. No. 1314, effective 6-26-69; amended by Ord. No. 2524, effective 3-31-83.)

**INFORMATION ON
PRELIMINARY MAP**

SECTION 7052. The preliminary map shall contain the following information:

- (a) Location of proposed subdivision with reference to section, township and range.
- (b) Name and address of record owner and subdivider.
- (c) Name and address of person who prepared the map.
- (d) Date of preparation.
- (e) North point.
- (f) Scale and graphic scale.
- (g) Boundaries of the proposed subdivision.
- (h) Locations of streets, alleys, and pedestrianways within the proposed subdivision.
- (i) Names and locations of streets and alleys adjacent to the proposed subdivision.
- (j) Suggested locations of street extensions and street connections in surrounding unsubdivided properties.
- (k) Approximate grades of all streets or parts of streets exceeding six percent (6%).
- (l) Lot lines and approximate dimensions.
- (m) Locations of proposed public areas.
- (n) Locations of permanent physical features affecting the design of the proposed subdivision, including any hazardous areas as specified in section 7042 of this Chapter.
- (o) The specific use intended for each lot in the subdivision.

- (p) Approximate contour lines if necessary to illustrate the influence of topographic conditions on the design of the subdivision. An aerial photograph or a topographic model of the property may be submitted in lieu of indicating contour lines on the preliminary map.
- (q) Locations and names of watercourses, location of floodway and/or selected flood lines together with the elevation of the base flood, and location of areas subject to ponding of surface water.
- (r) A tentative drainage plan indicating provisions for drainage and storm water control and, for any area which is located within selected flood lines, the proposed method of flood protection. (Amended by Ord. No. 1057, effective 4-7-66; amended by Ord. No. 1372, effective 4-16-70; amended by Ord. No. 1880, effective 1-1-76.)
- (s) If a vesting tentative map is to be filed, the preliminary map shall have printed conspicuously on its face the words "Preliminary Map for Vesting Tentative Map." (Amended by Ord. No. 2683, effective 1-2-86; amended by Ord. No. 2725, effective 9-29-87.)

**PRELIMINARY SITE
PLAN REQUIRED BY
ZONING**

SECTION 7052.1. If the property proposed to be subdivided is located within the boundaries of a zone, established pursuant to the Zoning Ordinance, which requires a site plan review for subdivisions, a site plan and associated documents prepared in accordance with the requirements of the Zoning Ordinance shall be submitted with the map. The information required to be shown in a preliminary site plan may be incorporated onto the preliminary map rather than on a separate document. (Added by Ord. No. 2429, effective 8-20-81.)

**PRELIMINARY
GEOLOGICAL-
HYDROLOGICAL
REPORT**

SECTION 7052.5.

- (a) The preliminary map shall be accompanied by a preliminary geological-hydrological report prepared by a registered civil engineer or a registered geologist.
- (b) If the Building and Planning Director determines that sufficient accurate information is already available with regard to any or all of the matters to be covered in a preliminary geological-hydrological report, he may waive a report on such matters.
- (c) The preliminary geological-hydrological report shall contain a general analysis of the following factors with regard to the property to be subdivided:
 - (1) Geological structure of the property, including the identification of all potential geological hazards which can be ascertained.

- (2) A general report on the several matters that will be covered in more detail in the final geological-hydrological report to be submitted at a later date pursuant to section 7063.2 of this Chapter.
 - (3) Stability of soil for cuts and fills.
 - (4) Seismicity.
 - (5) Probability of a permanent ground water supply on the property adequate to supply the anticipated needs of the subdivision.
 - (6) Potential erosion and sedimentation problems.
 - (7) Other special factors deemed to be pertinent to the proposed subdivision by the person preparing the report.
- (d) The preliminary geological-hydrological report, and the final geological-hydrological report if required under section 7063.2 of this Chapter, shall serve as a basis for decisions, pertaining to adequacy and safety of the water supply, the suitability of soils for subdivision and the suitability of the site with regard to other geological characteristics. (Added by Ord. No. 1547, effective 4-1-73; amended by Ord. No. 2524, effective 3-31-83.)

**PRELIMINARY
GEOLOGICAL-
HYDROLOGICAL
REPORT: FEES
FOR HEALTH
OFFICER REVIEW**

SECTION 7052.6. At the time of filing the preliminary geological-hydrological report the subdivider shall pay the initial fee set forth in Article 2.5 of this Chapter to the Building and Planning Director to defray the expenses of the County Health Officer in reviewing the report. The County Health Officer shall keep accurate records of the actual costs associated with the review. Upon completion of the design conference required in Section 7053 of this Article, the Health Officer shall bill the subdivider for the actual costs of the review in excess of the initial fee and the subdivider shall pay the cost thereof to the Health Officer. The Building and Planning Director shall withhold acceptance of the tentative map pursuant to Section 7060(d) of this Chapter until the fee for the Health Officer's review of the preliminary geological-hydrological report is paid. (Added by Ord. No. 2667, effective 9-12-85; amended by Ord. No. 2684, effective 1-9-86.)

**STATEMENT TO
ACCOMPANY PRE-
LIMINARY MAP**

SECTION 7052.8. The preliminary map shall be accompanied by the following statements:

- (a) Methods to be used for disposal of liquid and solid wastes.
- (b) Method of supplying domestic water. (Added by Ord. No. 1880, effective 1-1-76.)

**ENVIRONMENTAL
IMPACT**

SECTION 7052.9. At the time of filing the preliminary map, the subdivider shall file an application with the Building and Planning Director for the environmental studies and reports required for the proposed subdivision under the Environmental Quality Act of 1970 (Public Resources Code section 21000 et. seq.). Thereafter, the subdivider shall, from time to time, provide such fees, additional data and information as may be required by the Building and Planning Director to complete the required studies and reports under said law and the rules and regulations adopted pursuant thereto. (Added by Ord. No. 2006, effective 4-14-77; amended by Ord. No. 2439, effective 10-1-81; amended by Ord. No. 2524, effective 3-31-83.)

DESIGN CONFERENCE

SECTION 7053. Within ten (10) days after the date of submission of the preliminary map, the Site Plan Review Committee established pursuant to Section 16.2 of the Zoning Ordinance shall conduct a design conference with the subdivider. Representatives of the Fire Warden, cities, school districts, water districts, irrigation districts, community services districts, the State Division of Highways, utility companies and other public and private agencies affected by the proposed subdivision may attend the design conference. The Building and Planning Director, the Public Works Director, the Health Officer, and the Fire Warden or their authorized representatives shall make recommendations to the subdivider regarding the conformity of the preliminary map with the provisions of this Chapter and other applicable ordinances and regarding possible improvements in the design of the subdivision plan. Representatives of public and private agencies to which the preliminary map was transmitted may make recommendations to the subdivider regarding the proposed subdivision. (Amended by Ord. No. 1314, effective 6-26-69; amended by Ord. No. 1375, effective 4-16-70; amended by Ord. No. 2429, effective 8-20-81; amended by Ord. No. 2524, effective 3-31-83.)

**REPORT ON DESIGN
CONFERENCE**

SECTION 7054. The Building and Planning Director shall furnish a written report of the recommendations presented at the design conference to the subdivider, the other members of the Site Plan Review Committee, the Planning Commission and to each public and private agency to which a copy of the preliminary map was submitted. In those cases in which the Board of Supervisors will be taking final action on the tentative map, a copy of said report shall be filed with said Board. (Amended by Ord. No. 1405, effective 11-12-70; amended by Ord. No. 2429, effective 8-20-81; amended by Ord. No. 2524, effective 3-31-83.)

MASTER PLAN

SECTION 7055.

- (a) Subsequent to the preliminary design conference, if one is held, and at least ten (10) days before filing a tentative map, the subdivider shall file with the Building and Planning Director a master plan of all of

the lands adjacent to the proposed subdivision which are owned by him and which constitute a potential subdivision. The subdivider may also include adjacent land owned by other persons. The master plan shall consist of the following:

- (1) A generalized layout of the road pattern; and
 - (2) An indication of the type and functional relationship of the proposed land uses; and
 - (3) Such additional designs and elements as the Building and Planning Director may require in order to evaluate the proposed subdivision.
- (b) The Building and Planning Director may waive the requirement of a master plan in connection with a proposed subdivision if he determines that a master plan would not be necessary to evaluate the proposed subdivision. Said master plan shall be furnished, unless waived by the Building and Planning Director, even though the Building and Planning Director has waived the filing of a preliminary map and the holding of a design conference. (Added by Ord. No. 1314, effective 6-26-69; amended by Ord. No. 2524, effective 3-31-83.)

ARTICLE 4. TENTATIVE MAP

SUPPLEMENTAL PROVISIONS

SECTION 7059. The requirements and procedures set forth in this Article are supplemental to the Subdivision Map Act. (Added by Ord. No. 1880, effective 1-1-76.)

TENTATIVE SUB- DIVISION MAP: FILING: FEES: DISTRIBUTION

ARTICLE 7060.

- (a) The subdivider shall deliver to the Building and Planning Director twenty-five (25) prints of the tentative map or ten (10) prints and two (2) sepia line transparencies, or equal, from which diazo type prints can be produced.
- (b) At the time of delivering the tentative map, the subdivider shall pay to the Building and Planning Director the applicable fee set forth in Article 2.5 of this Chapter to defray the expenses incidental to processing the map. (Amended by Ord. No. 2684, effective 1-9-86.)
- (c) The tentative map shall be delivered to the Building and Planning Director prior to the completion of final surveys of streets and lots and before grading or construction work is begun within the proposed subdivision which might be affected by changes in the tentative map.
- (d) The tentative map shall not be deemed to be filed until the Building and Planning Director has made the review authorized by section 65943 of the Government Code of the State of California and has determined whether the map and accompanying documents are complete. When the Building and Planning Director has determined that said map and documents are complete, and transmitted the written notice that the map and documents are complete, or when the thirty (30) day period has expired, all as set forth in said section 65943, the tentative map shall be deemed to be filed. If the Building and Planning Director notifies the subdivider that the map and documents are not complete, the tentative map shall not be deemed to be filed until the Building and Planning Director determines that all information required by the notice has been provided by the subdivider.
- (e) Within five (5) days after the delivery of the tentative map and accompanying statements, the Building and Planning Director shall transmit copies of the tentative map to the Public Works Director, the County Health Department, the County Fire Warden, and to each of the public utilities affected, together with requests for recommendations on the proposed subdivision. In addition, the Building and Planning Director shall transmit copies of the tentative map to Cities,

the State Department of Transportation, and to each school district within which the subdivision is located, in accordance with the Subdivision Map Act. The Building and Planning Director may also transmit copies of the tentative map and accompanying statements to water districts, irrigation districts, community services districts and other public and private agencies affected by the proposed subdivision, together with requests for recommendations on the proposed subdivision. (Amended by Ord. No. 1057, effective 4-7-66; amended by Ord. No. 1299, effective 4-17-69; amended by Ord. No. 1314, effective 6-26-69; amended by Ord. No. 1375, effective 4-16-70; amended by Ord. No. 1668, effective 1-17-74; amended by Ord. No. 1880, effective 1-1-76; amended by Ord. No. 2158, effective 9-28-78; amended by Ord. No. 2267, effective 9-20-79; amended by Ord. No. 2315, effective 3-27-80; amended by Ord. No. 2329, effective 5-15-80; amended by Ord. No. 2463, effective 3-25-82; amended by Ord. No. 2534, effective 5-19-83; amended by Ord. No. 2590, effective 3-15-84.)

(f) (Repealed by Ord. No. 2534, effective 5-19-83.)

FORM OF TENTATIVE MAP

SECTION 7061. The tentative map shall be clear and legible. The size of the sheet shall be appropriate to allow proper review, as determined by the Building and Planning Department. The scale of the maps shall be one (1) inch equals one hundred (100) feet or multiples of one hundred (100) feet. (Amended by Ord. No. 1314, effective 6-26-69; amended by Ord. No. 2524, effective 3-31-83.)

INFORMATION ON TENTATIVE MAP

SECTION 7062. A tentative map shall contain the following information.

- (a) A tract number which shall be assigned by the Building and Planning Director at the time that the tentative map is filed.
- (b) Name and address of the record owner of the property to be subdivided, name and address of the subdivider if the owner is not the subdivider, and the name and address of the engineer or surveyor.
- (c) Date of preparation.
- (d) North point, scale and graphic scale.
- (e) A key map showing the proposed subdivision and surrounding subdivisions and streets located within one-quarter (1/4) mile radius of the boundaries of the proposed subdivision.
- (f) Boundary lines.

- (g) A statement of any intent to file multiple final maps from the proposed tentative map if multiple final maps are to be filed.
- (h) Locations of street lights.
- (i) Locations and widths of all streets within the proposed subdivision. Profiles shall also be provided for any portion of a street located within selected flood lines which is necessary for access to the subdivision.
- (j) Names, locations and widths of streets adjacent to the proposed subdivision.
- (k) Locations and widths of alleys.
- (l) Approximate grades of all streets or parts of streets having a grade of more than six percent (6%); profiles shall be furnished where the topography presents a problem.
- (m) Approximate radii of street curves.
- (n) Typical cross sections of streets and alleys which do not conform to the standards referred to in section 7080 of this Chapter.
- (o) Locations and widths of any pedestrianways within the proposed subdivision.
- (p) Lot lines and approximate dimensions.
- (q) All lots numbered consecutively, commencing with the number "1" (one) with no omissions or duplications, except for the lots covered by section 7020 of this Chapter which shall be lettered consecutively commencing with the letter "A."
- (r) Locations and approximate dimensions of proposed public areas and bicycle paths.
- (s) Locations, widths and character of access rights and easements to and along any public waterway, river or stream and locations, widths and character of access rights to any lake or reservoir owned by a public agency.
- (t) Waiver of rights of access to and from streets, lots and other parcels of land, and locations and widths of lots to be conveyed to the County pursuant to section 7020 of this Chapter.
- (u) Widths and locations of all existing or proposed public and private easements.

- (v) Locations of Specific Plan lines.
- (w) Locations of all structures and improvements, including subsurface structures and improvements. For any such structures or improvements that will remain in the subdivision, the distance between such structures or improvements and the proposed lot lines shall be shown.
- (x) Locations of city boundary lines.
- (y) Contours shall be shown at five (5) foot intervals for terrain having a natural slope of five percent (5%) or more. On areas with a slope of less than five percent (5%), and areas located within selected flood lines, the contours shall be shown at two (2) foot intervals.
- (z) The location, width, depth and direction of flow for all watercourses, both natural and artificial, the location of any areas subject to inundation, and the location of floodways and/or selected flood lines together with the elevation of the base flood. (Amended by Ord. No. 887, effective 4-25-63; amended by Ord. No. 1057, effective 4-7-66; amended by Ord. No. 1314, effective 6-26-69; amended by Ord. No. 1372, effective 4-16-70; amended by Ord. No. 1495, effective 3-4-72; amended by Ord. No. 1880, effective 1-1-76; amended by Ord. No. 2268, effective 9-20-79; amended by Ord. No. 2534, effective 5-19-83; amended by Ord. No. 2725, effective 9-29-86.)

**INFORMATION ON
VESTING TENTATIVE
MAP**

SECTION 7062.1. In addition to the information set forth in Section 7062 a vesting tentative map shall contain the following information:

- (a) The map shall have printed conspicuously on its face the words "Vesting Tentative Map."
- (b) If the vesting tentative map is for a subdivision whose intended development is inconsistent with the Zoning Ordinance set forth in this Ordinance Code or with Ordinance No. 352, as amended, the inconsistency shall be noted on the tentative map.
- (c) The map shall contain such additional information as may be required by the Site Plan Review Committee in its report on the design conference for the preliminary map required by Section 7054 of this Chapter. (Added by Ord. No. 2683, effective 1-2-86.)

**STATEMENTS TO
ACCOMPANY TENTA-
TIVE MAP**

SECTION 7063. The tentative map shall show thereon or be accompanied by the following statements:

- (a) Legal description of the property.
- (b) Existing use or uses of the property, including the location of all existing structures to remain on the property.
- (c) Proposed uses of the property, including a statement of the relative proportions of the total area of the subdivision proposed to be devoted to each use.
- (d) Specific source and type of water supply (e.g., drilled well, dug well, spring, etc.).
- (e) Method of sewage disposal.
- (f) A tentative drainage plan indicating provisions for drainage and storm water control and, for any area which is located within selected flood lines, the proposed method of flood protection.
- (g) Types of street improvements and utilities which the subdivider proposes to install.
- (h) Description of street tree planting plan and other landscape plans, if review of such plans by the Planning Commission is desired.
- (i) Statement of other improvements proposed to be made or installed.
- (j) Statement of the time when improvements are proposed to be made or installed.
- (k) Deed restrictions, if any.
- (l) Description and location of community facilities, including schools, parks playgrounds, shopping centers and other facilities, which would serve the proposed subdivision.
- (m) Description of the proposed subdivision, including the number of lots, average and minimum sizes of lots, type of development and may other information which would be useful to the Planning Commission in reviewing the tentative map.
- (n) A statement or preliminary title report describing all rights of way and easements to which the property to be subdivided is subject.

- (o) The names and addresses of all owners of real property as shown on the latest equalized assessment roll within 300 feet of the real property that is the subject of the tentative map.
- (p) If a vesting tentative map is to be filed, it shall be accompanied by such additional information, plans and documents as may be required by the Site Plan Review Committee in its report on the design conference for the preliminary map required by Section 7054 of this Chapter.
- (q) If the subdivider desires that notices, reports and other communications from the Planning Commission, the Board of Supervisors, and other officers and agents of the County be sent to him in care of his engineer, surveyor or other authorized agent, he shall attach to the tentative map a statement to that effect. If such a statement is attached to the tentative map, all notices, reports and communications required under the provisions of this Chapter shall be sent to the subdivider in care of the engineer, surveyor, or other authorized agent named in said statement. (Amended by Ord. No. 1057, effective 4-7-66; amended by Ord. No. 1372, effective 4-16-70; amended by Ord. No. 1547, effective 4-1-73; amended by Ord. No. 2646, effective 2-28-85; amended by Ord. No. 2683, effective 1-2-86.)

**REPORTS CONCERN-
ING PLANS AND
ENVIRONMENTAL
IMPACTS**

SECTION 7063.1. In those cases where there is a likelihood that the subdivision may be disapproved for failure to comply with the requirements of section 66473.5, 66474 or 66474.5 of the Government Code of the State of California, the subdivider shall file with the tentative map such reports by appropriate experts and such other information as the subdivider desires to submit to show that the subdivision is eligible for approval. The body reviewing the tentative map shall not be bound by the facts and conclusions set forth in such reports and may reach conclusions which differ from those submitted. The body reviewing the tentative map or the Planning Director may request the subdivider to provide additional evidence on any such matter. (Added by Ord. No. 1495, effective 3-4-72; amended by Ord. No. 1880, effective 1-1-76.)

**FINAL GEOLOGICAL-
HYDROLOGICAL
REPORT**

SECTION 7063.2.

- (a) The tentative map shall be accompanied by six (6) copies of a final geological-hydrological report prepared by a registered civil engineer or registered geologist.
- (b) If the Building and Planning Director determines that sufficient accurate information is already available with regard to any or all of the matters to be covered in a final geological-hydrological report, he may waive a report on such matters.

- (c) The final geological-hydrological report shall contain a more definitive evaluation of the factors contained in the preliminary geological-hydrological report prepared pursuant to section 7052.5 of this Chapter and shall cover the following matters:
- (1) A detailed geological map indicating bedrock, soil, alluvium, faults, sheers, permanent joint systems, seeps or springs, soil or bedrock slumps, landslides and other failures.
 - (2) All proposed grading, topographical relief, drainage, geological and soil types, and the effect of proposed grading on the site and adjoining properties.
 - (3) Recommendations regarding the solution of possible erosion and sedimentation problems.
 - (4) Specific recommendations for the correction of all known or anticipated geological hazards.
 - (5) Conclusions regarding the chemical and bacteriological quality of the water source proposed to be used for domestic supply purposes in terms of the current standards set forth in section 7001 et seq. of Title 17 of the California Administrative Code.
 - (6) An analysis of the effects of water from rainfall, irrigation, individual sewage disposal systems, or other probable sources from the subdivision and adjoining properties, wherever such water is likely to reduce the subsurface stability or cause erosion.
 - (7) An outline of all geological and soil problems, and proposed solutions to these problems, indicating wherever proposed grading or other proposed improvements may adversely or beneficially affect the existing or future stability of the area.
 - (8) A comprehensive geological examination of the ground water characteristics of the property.
 - (9) If the supply of water for domestic or fire suppression purposes is to be provided by wells, a sufficient number of test wells shall be drilled, or existing wells identified, to permit reasonably accurate estimates regarding the occurrence, availability, and quality of ground water. Any information available to substantiate the quantity and quality of the water, such as a well driller's log, chemical analysis and pump report, shall be submitted. The Building and Planning

Director shall determine the location and required number of test wells. In selecting the lots for test wells, the Building and Planning Director shall require that at least five percent (5%) of the lots be tested and may utilize a table of random numbers to select the lots.

- (10) A map showing the location of all wells in existence or drilled pursuant to paragraph (9) above, including depth to water table and anticipated yields.
- (11) If individual sewage disposal systems are to be used in the subdivision, the report shall include recommendations regarding the location, type and size of such individual systems. Such recommendations shall be based upon the geological and soil analysis included in the report and shall take into consideration the uses allowed under existing or proposed zoning. If a community sewage system is to be used, the report shall also set forth recommendations regarding the disposal of the effluent from the terminal treatment facility and conclusions concerning the effect of such disposal in terms of the current standards of the California Regional Water Quality Control Board for the Central Valley Region.
- (d) The final geological-hydrological report, if required, shall serve as a basis for decisions pertaining to adequacy and safety of the water supply, the suitability of soils for subdivision and the suitability of the site with regard to other geological characteristics. (Former section added by Ord. No. 1057, effective 4-7-66; amended by Ord. No. 1314, effective 6-26-69; repealed by Ord. No. 1547, effective 4-1-73. New section added by Ord. No. 1547, effective 4-1-73; amended by Ord. No. 1880, effective 1-1-76; amended by Ord. No. 2524, effective 3-31-83.)

**FINAL GEOLOGICAL-
HYDROLOGICAL
REPORT: FEES FOR
HEALTH OFFICER
REVIEW**

SECTION 7063.2a. At the time of filing the final geological-hydrological report and any results of percolation tests and soil borings required by Section 7063.3, the subdivider shall pay the initial fee set forth in Article 2.5 of this Chapter to the Building and Planning Director to defray the expenses of the County Health Officer in reviewing the report. The County Health Officer shall keep accurate records of the actual costs associated with the review. Upon completion of the review and approval of the report, the Health Officer shall bill the subdivider for the actual costs of the review in excess of the initial fee and the subdivider shall pay the cost thereof to the Health Officer. The Building and Planning Director shall not set a date for the public hearing on the tentative map pursuant to Section 7064.2 of this Article until the fee for the Health Officer's review of the final geological-

hydrological report and any results of percolation tests and soil borings is paid. (Added by Ord. No. 2667, effective 9-12-85; amended by Ord. No. 2684, effective 1-9-86.)

**PERCOLATION TESTS
AND SOIL BORINGS**

SECTION 7063.3. Unless the subdivision is to be served by a sanitary sewer system, the tentative map shall be accompanied by the results of percolation tests and soil borings conducted in the subdivision. Such tests shall be conducted by a registered civil engineer, registered geologist, a sanitarian registered by the State of California or a specialist in soil analysis. The report on such tests may be included in the final geological-hydrological report prepared pursuant to section 7063.2 of this Article. The percolation tests shall be adequate in number to show the absorptive and filtering ability of soils throughout the subdivision. These tests shall be made at the depth of the proposed trenches or at least five (5) feet deep. The soil borings shall be adequate in number to show the type of soil and ground water level, if existing beneath the absorption area, and shall be at least seven (7) feet deep. A high or low percolation rate in conjunction with a steep slope area shall be reported and corrective measures proposed. Such percolation tests and soil borings shall be conducted in accordance with procedures and standards established by the Manual of Septic Tank Practice, Public Health Service Publication No. 526 of the Department of Health, Education and Welfare and shall be conducted under the supervision of the County Health Department. (Added by Ord. No. 1547, effective 4-1-73; amended by Ord. No. 1881, effective 1-1-76; amended by Ord. No. 2149, effective 9-7-78.)

**PRELIMINARY SOIL
SURVEY REPORT**

SECTION 7063.4. (Added by Ord. No. 1057, effective 4-7-66; amended by Ord. No. 1314, effective 6-26-69; repealed by Ord. No. 1547, effective 4-1-73.)

**SOIL
INVESTIGATION**

SECTION 7063.6.

- (a) In accordance with sections 17953-17957 of the Health and Safety Code of the State of California,, if the final geological-hydrological report prepared pursuant to section 7063.2 of this Article indicates the presence of critically expansive or loosely deposited soils or other soil problems which, if not corrected, would lead to structural defects, a soil investigation of each affected lot in the subdivision shall be prepared by a registered civil engineer. The soil investigation shall recommend corrective action which will adequately prevent structural damage to each dwelling proposed to be constructed on such soils. The report of the soil investigation shall be filed with the Building and Planning Director.

- (b) The Building and Planning Director shall review the soil investigation report and, if he determines that the recommended corrective action will adequately prevent structural damage to each dwelling to be constructed in the subdivision, he shall approve it. If the Building and Planning Director determines that the recommended corrective action will not be adequate, he shall notify the person preparing the report of the inadequacies. Until the Building and Planning Director determines that the report, or amended report, contains recommendations that meet with his approval, the final subdivision map shall not be approved. All building permits issued for construction of dwellings in the subdivision shall be conditioned upon the incorporation of the approved recommended corrective action in the construction of each dwelling. Appeal from such determination shall be to the local appeals board established pursuant to the Uniform Building Code. (Added by Ord. No. 1057, effective 4-7-66; amended by Ord. No. 1547, effective 4-1-73; amended by Ord. No. 1881, effective 1-1-76; amended by Ord. No. 2524, effective 3-31-83.)

**BODY TO TAKE
ACTION ON TENTATIVE MAP**

SECTION 7064. Final action on certain tentative maps will be taken by the Planning Commission and, in other cases, the Planning Commission will act only in an advisory capacity to the Board of Supervisors. The following provisions shall govern which body will take final action on a tentative map:

- (a) If a proposed subdivision is located entirely within an Urban Improvement Boundary or Urban Development Boundary adopted pursuant to the Urban Boundaries Element of the General Plan, the Planning Commission shall approve, conditionally approve or disapprove the tentative map, with a right of appeal as set forth in section 7066.5 of this Article.
- (b) If a proposed subdivision is located in an area where no Urban Improvement Boundary or Urban Development Boundary has been established, but the subdivision is located entirely within an Urban Area Boundary, adopted pursuant to the Urban Boundaries Element of the General Plan, the Planning Commission shall approve, conditionally approve or disapprove the tentative map, with a right of appeal as set forth in section 7066.5 of this Article.
- (c) If a proposed subdivision is not located entirely within the boundaries described in subsection (a) or (B) above, the Planning Commission shall act in an advisory capacity to the Board of Supervisors and the Board of Supervisors shall take final action on the tentative map.

- (d) For the purpose of determining which body takes final action on a tentative map, the Urban Area Boundaries, Urban Improvement Boundaries and Urban Development Boundaries as they exist at the time of filing the tentative map shall govern and any changes in such Boundaries which take effect after such filing shall be disregarded for the purposes of this section.
- (e) Regardless of the foregoing, if a vesting tentative map is filed for a proposed subdivision, the Planning Commission shall act in an advisory capacity to the Board of Supervisors and the Board of Supervisors shall take final action on the vesting tentative map. (Former section amended by Ord. No. 862, effective 10-25-62; amended by Ord. No. 1057, effective 4-7-66; amended by Ord. No. 1300, effective 4-17-69; amended by Ord. No. 1314, effective 6-26-69; repealed by Ord. No. 1405, effective 11-12-70. New section added by Ord. No. 1405, effective 11-12-70; amended by Ord. No. 1881, effective 1-1-76; amended by Ord. No. 2316, effective 3-27-80; amended by Ord. No. 2683, effective 1-2-86.)

**PROCEDURE PRELIM-
INARY TO PUBLIC
HEARING**

SECTION 7064.2. The Building and Planning Director shall set a date for the public hearing on the tentative map by the Planning Commission, which date shall be not less than twenty (20) and not more than fifty (50) days after the date of filing the tentative map, unless the time limit for action on the map is extended by mutual consent of the Planning Commission and the subdivider. Within twenty (20) days after the filing of the tentative map, or such longer period as the Planning Commission may prescribe, the Public Works Director and the County Health Department shall submit to the Commission written reports of their recommendations regarding the proposed subdivision. Failure to submit such reports shall be deemed approval of the tentative map. The Building and Planning Director shall notify each public and private agency to which copies of the tentative map are transmitted of the date set for consideration of the map by the Planning Commission in order that such agencies may submit reports on the tentative map to the Commission. Prior to the date set for the hearing on the tentative map, the Building and Planning Director shall prepare a written report of his recommendations regarding the proposed subdivision. Copies of all reports or recommendations on the tentative map which are submitted to the Planning Commission shall be submitted to the subdivider by the Building and Planning Director in accordance with the Subdivision Map Act, unless waived by the subdivider. (Added by Ord. No. 1405, effective 11-12-70; amended by Ord. No. 1881, effective 1-1-76; amended by Ord. No. 2267, effective 9-20-79; amended by Ord. No. 2524, effective 3-31-83.

IMPOSITION OF
FEES: INTERIM
SCHOOL FACILITIES

SECTION 7064.3.

- (a) If a school district in which the proposed subdivision is located has made the findings specified in Section 7602 of this Ordinance Code and the Board of Supervisors has concurred in such findings and determined the fees payable by a developer in accordance with Sections 7603 and 7606 of this Code, the Planning Commission shall not approve the tentative maps without finding that the fees previously determined by the Board are required, and imposing such fees as a condition of approval.
- (b) For those tentative maps on which the Board of Supervisors takes final action, the Building and Planning Director shall, when the conditions set forth in subsection (a) of this Section are applicable, so notify the Board of Supervisors in order that the Board may find that the fees are required, and impose such fees as a condition of approval.
- (c) Except for those tentative maps on which the Board of Supervisors takes final action, the subdivider may appeal the requirement of fees to the Board of Supervisors in accordance with Section 7604.1 of this Ordinance Code. (Added by Ord. No. 2217, effective 3-22-79; amended by Ord. No. 2524, effective 3-31-83; amended by Ord. No. 2669, effective 10-3-85.)

REFERRAL TO
OFFICE OF INTER-
GOVERNMENTAL
MANAGEMENT

SECTION 7064.4.

(Added by Ord. No. 1495, effective 3-4-72; repealed by Ord. No. 1881, effective 1-1-76.)

SPECIAL PRO-
CEDURE: WASTE
DISCHARGE INTO
COMMUNITY SEWERS

SECTION 7064.6.

(Added by Ord. No. 1495, effective 3-4-72; repealed by Ord. No. 1881, effective 1-1-76.)

NOTICE OF HEARING

SECTION 7064.7. At least ten (10) days prior to the hearing before the Planning Commission on the tentative map, the Building and Planning Director shall publish and give notice of such hearing in accordance with the provisions of section 66451.3 of the Government Code of the State of California. (Added by Ord. No. 2263, effective 8-7-79; amended by Ord. No. 2463, effective 3-25-82; amended by Ord. No. 2524, effective 3-31-83; amended by Ord. No. 2646, effective 2-28-85.)

HEARINGS ON
TENTATIVE MAP
BY PLANNING
COMMISSION

SECTION 7065

- (a) The Planning Commission shall hold its public hearing on the tentative map at the time specified and in compliance with the requirements of the Subdivision Map Act and this Chapter.

- (b) In those cases in which the Planning Commission takes final action on the tentative map, as set forth in Section 7064 of this Article, the Planning Commission shall file a report of such final action with the subdivider.
- (c) In those cases in which the Planning Commission acts only as an advisory body, and the Board of Supervisors takes final action on the tentative map, the Planning Commission shall send to the Board of Supervisors and the subdivider its report and recommendations with regard to the tentative map.
- (d) Regardless of whether the Planning Commission takes final action on the tentative map or acts in an advisory capacity, it shall send copies of its report to the Public Works Director, the County Health Department, and each public and private agency to which a copy of the tentative map was transmitted. (Amended by Ord. No. 862, effective 10-25-62; amended by Ord. No. 1057, effective 4-7-66; amended by Ord. No. 1300, effective 4-17-69; amended by Ord. No. 1314, effective 6-26-69; amended by Ord. No. 1405, effective 11-12-70; amended by Ord. No. 1678, effective 3-15-74; amended by Ord. No. 1881, effective 1-1-76; amended by Ord. No. 2263, effective 8-7-79.)

**CONSIDERATION
OF TENTATIVE MAP
BY BOARD OF
SUPERVISORS**

SECTION 7065.5.

(Added by Ord. No. 1405, effective 11-12-70; repealed by Ord. No. 1881, effective 1-1-76.)

**DEFERRED IMPROVE-
MENTS: REMAINDER
PARCEL**

SECTION 7065.7. At the time of action on the tentative map, the body taking final action on the tentative map shall attempt to negotiate an agreement with the subdivider for the construction of required offsite and onsite improvements in a designated remainder parcel in accordance with section 66424.6 of the Government Code of the State of California. If such an agreement cannot be reached, the body taking final action on the tentative map may nonetheless determine that such improvements are to be required within a reasonable time following approval of the final map on the grounds specified in said section 66424.6. (Added by Ord. No. 2303, effective 1-17-80.)

**REMAINDER PARCEL:
OFFSITE IMPROVE-
MENTS**

SECTION 7065.8. When the construction of an offsite improvement or an improvement which serves property within the subdivision as well as the remainder parcel is being deferred, the body taking final action on the tentative map may require the subdivider to enter into an agreement with the County of the same type which is authorized in section 7105.4C of this Chapter for parcel maps. (Added by Ord. No. 2303, effective 1-17-80.)

**ACTION ON VARIOUS
ENVIRONMENTAL
MATTERS AND
CONFORMITY TO
PLANS**

SECTION 7066. For those tentative maps on which the Planning Commission takes final action, the Planning Commission is hereby assigned the responsibility to take action on a tentative map on the grounds set forth in sections 66473.5, 66474, 66474.01, 66474.4 and 66764.6 of the Government Code of the State of California. (Former section added by Ord. No. 862, effective 10-25-62; amended by Ord. No. 1405, effective 11-12-70; repealed by Ord. No. 1881, effective 1-1-76. New section added by Ord. No. 1883, effective 1-1-76; amended by Ord. No. 2263, effective 8-7-79; amended by Ord. No. 2695, effective 2-27-86.)

**WAIVER OF MINOR
ERRORS**

SECTION 7066.2. Pursuant to section 66473 of the Government Code of the State of California, the body taking final action on the tentative map shall not disapprove a tentative map because of a failure to meet or perform a requirement or condition imposed by the Subdivision Map Act or this Chapter if the body determines that the failure of the map is a result of a technical and inadvertent error which does not, in the determination of said body, materially affect the validity of the tentative map. A decision by the Planning Commission on such a matter, when the Planning Commission is the body taking final action on the tentative map, is subject to an appeal to the Board of Supervisors pursuant to section 7066.5 of this Article. (Added by Ord. No. 2316, effective 3-27-80.)

APPEALS

SECTION 7066.5

- (a) Except as herein provided, all appeals regarding tentative subdivision maps shall be subject to the provisions of Section 115 of this Ordinance Code.
- (b) In accordance with section 66452.5 of the Government Code of the State of California, a subdivider or any other interested person adversely affected by a decision on the Planning Commission, when the Planning Commission has taken final action on the tentative map, may appeal to the Board of Supervisors. No appeal may be filed when the Planning Commission's action is only advisory to the Board of Supervisors. Such an appeal shall be in writing and shall be filed with the Clerk of the Board of Supervisors within ten (10) calendar days after the action of the Planning Commission from which the appeal is being taken. The action of the Commission shall be final unless such an appeal is filed within said ten (10) day period.
- (c) Upon the filing of an appeal, the Board of Supervisors shall set the matter for hearing. The hearing shall be held within thirty (30) days after the date of filing the appeal. The Clerk of the Board of Supervisors shall notify the appellant, the Subdivider if he or she is not the appellant, and the Building and Planning Director of the time set for the hearing. Notice of the hearing shall also be given by the Clerk

of the Board of Supervisors in the same manner as that required for hearing before the Planning Commission.

- (d) Following the conclusion of the hearing, the Board of Supervisors shall render its decision on the appeal within the time provided in Section 66452.2 of the Government Code of the State of California. The decision shall comply with the provisions of sections 66473, 66473.5 and 66474 of the Government Code and shall include any findings required by such sections, and such other findings as are appropriate. The Board of Supervisors may sustain, modify, reject or overrule any rulings of the Planning Commission. (Added by Ord. No. 2263, effective 8-7-79; amended by Ord. No. 2463, effective 3-25-83; amended by Ord. No. 2545, effective 7-28-83; amended by Ord. No. 2646, effective 2-28-85.)

TIME LIMITS

SECTION 7067. The time limits for an approved or conditionally approved tentative map shall be the same as set forth in section 66452.6(a) of the Government Code of the State of California; provided that the provisions of said section 66452.6(a), as amended by Chapter 482 of the Statutes of 1981, shall also apply to any tentative subdivision map approved prior to January 1, 1982, which has not expired by action of law prior to such date. (Amended by Ord. No. 862, effective 10-25-62; amended by Ord. No. 1057, effective 4-7-66; amended by Ord. No. 1175, effective 11-14-67; amended by Ord. No. 1405, effective 11-12-70; repealed by Ord. No. 1881, effective 1-1-76; amended by Ord. No. 2463, effective 3-25-82.)

TIME LIMITS: VESTING TENTATIVE MAPS

SECTION 7067.1. The initial time limits for the rights conferred by an approved vesting tentative map as provided by Chapter 4.5 (commencing with Section 66498.1 of Division 2 of Title 7 of the Government Code of the State of California) shall be the same as set forth in Section 7067 for approved tentative maps. This initial time limit may be extended in the manner provided for approved tentative maps in Section 7067.2 of this Chapter, but in no case shall exceed one (1) year beyond the recording of the final map unless more time is authorized pursuant to subdivisions (g) and (h) of Section 66452.6 of the Government Code. (Added by Ord. No. 2683, effective 1-2-86.)

APPLICATION FOR EXTENSION OF TIME: FEE

SECTION 7067.2. If the subdivider requests an extension of time for the expiration of an approved tentative map, pursuant to section 66452.6 of the Government Code of the State of California, the applicable filing fee set forth in Article 2.5 of this Chapter shall be paid to the Building and Planning Director to defray the expenses incidental to processing the request. (Added by Ord. No. 2158, effective 9-28-78; amended by Ord. No. 2524, effective 3-31-83; amended by Ord. No. 2590, effective 3-15-84; amended by Ord. No. 2684, effective 1-9-86.)

**LITIGATION:
STAY OF TIME FOR
FINAL MAP**

SECTION 7067.3. When a suit has been filed involving an approved tentative map, an application for a stay of the time period for filing a final map shall be processed in accordance with the procedure for granting an extension of time under subsection (e) of section 66452.6 of the Government Code of the State of California and shall be subject to the fee specified in section 7067.2 of this Article. (Added by Ord. No. 2316, effective 3-27-80.)

ARTICLE 4.5. REVISION OF TENTATIVE MAP
(Added by Ord. No. 1417, effective 12-17-70.)

PURPOSES

SECTION 7068. It is recognized that physical conditions that are discovered after the approval of the tentative map, the other unforeseen or unanticipated circumstances that arise after the approval of the tentative map, can create a need to revise a tentative map which has been previously approved. The purpose of this Article is to provide procedures for making such revisions in an approved tentative map in a manner that will be reasonably convenient and expeditious for the subdivider but will assure that the purposes and requirements of this Chapter will be carried out. (Added by Ord. No. 1417, effective 12-17-70.)

MINOR REVISIONS:

SECTION 7068.2. For the purposes of this Article, minor revisions are limited to those changes in a tentative map which do not substantially alter the street pattern, lot configuration or overall design scheme. The body which takes final action on the tentative map is deemed to have also approved making minor revisions pursuant to the provisions of this Article unless said body expressly provides to the contrary in its resolution approving the tentative map. The following revisions in a tentative map shall constitute minor revisions:

- (a) Changes in the size, shape and dimensions of individual lots; provided, however, that all lots conform to the requirements specified in the conditions of approval of the tentative map and the requirements specified in this Chapter.
- (b) Changes in the proposed use of lots; provided, however, that such changes are from one of the following uses to another of the following uses: public utilities, drainage and residential.
- (c) Reduction in the number of lots contained in the subdivision.
- (d) Increase in the number of lots contained in the subdivision, but not to exceed the following number:
 - (1) Subdivisions of twenty-five (25) lots or less: no more than one (1) additional lot.
 - (2) Subdivisions with twenty-six (26) to one hundred (100) lots: no more than five percent (5%) of the number of lots in the subdivision.
 - (3) Subdivisions in excess of one hundred (100) lots: no more than five (5) lots for the first one hundred (100) lots plus one (1) additional lot for each full one hundred (100) lots in excess of the first one hundred (100) lots.

Provided, however, that all lots shall conform to the requirements specified in the conditions of approval of the tentative map and the requirements specified in this Chapter.

- (e) Changes in the curve radii of streets and alleys.
- (f) Decreases in the overall length of stubbed streets and cul de sacs.
- (g) Changes in the centerline alignment of streets when such changes are thirty (30) feet or less in any one direction.
- (h) Changes in the grade of streets or drainage easements.
- (i) Changes in location of public utility and drainage easements.

In addition, if any other type of change in a tentative map is proposed by a subdivider which the Building and Planning Director believes should constitute a minor revision, the Building and Planning Director may request the body which took final action on the tentative map, pursuant to section 7064 or section 7105.2 of this Chapter, to determine whether such a change constitutes a minor revision in the same sense that the items listed above constitute minor revisions. If said body determines, by resolution, that such a proposed change constitutes a minor revision, the requested change shall be processed as such under this Article and this section shall thereafter be amended to add that additional category to the minor revision listed above. (Added by Ord. No. 1417, effective 12-17-70; amended by Ord. No. 2247, effective 7-5-79; amended by Ord. No. 2524, effective 3-31-83.)

PROCEDURE FOR PROCESSING MINOR REVISIONS

SECTION 7068.4

- (a) The subdivider shall file with the Building and Planning Director six (6) copies of a revised tentative map on which the proposed minor revisions are shown.
- (b) At the time of filing a revised tentative map, the subdivider shall pay to the Building and Planning Director the applicable filing fee set forth in Article 2.5 of this Chapter. No part of said fee shall be returned to the subdivider if he subsequently withdraws the revised tentative map prior to action by the Building and Planning Director except in accordance with section 107 of this Ordinance Code.
- (c) The Building and Planning Director shall review the proposed minor revisions and, within fifteen (15) days after the revised tentative map was filed, approve or disapprove the revised tentative map. The Building and Planning Director shall give written notice of his

action to the subdivider and to the body which took final action on the tentative map. In addition, if a revised tentative map is approved, the Building and Planning Director shall give notice thereof to the affected County departments, and to each public and private agency to which a copy of the tentative map was transmitted.

- (d) If the revised tentative map is approved, it shall become, for all purposes, the approved tentative map of the subdivision and the tentative map which was originally approved shall no longer be of any force and effect for any purpose.
- (e) If the revised tentative map is disapproved by the Building and Planning Director, the subdivider may file an application for a major revision, pursuant to section 7069.4 of this Article. Such an application shall be processed in the same manner as other applications for major revisions. (Added by Ord. No. 1417, effective 12-17-70; amended by Ord. No. 1881, effective 1-1-76; amended by Ord. No. 2158, effective 9-28-78; amended by Ord. No. 2439, effective 10-1-81; amended by Ord. No. 2524, effective 3-31-83; amended by Ord. No. 2590, effective 3-15-84; amended by Ord. No. 2667, effective 9-12-85; amended by Ord. No. 2684, effective 1-9-86.)

ACTION ON WAIVER OF FINAL PARCEL MAP

SECTION 7068.5.

Applications for a waiver of the requirement that a final parcel map be filed may be submitted after the approval of the tentative parcel map. The same procedures shall be followed in processing and acting upon such applications as are applicable to a minor revision pursuant to Section 7068.4 of this Article except that the Site Plan Review Committee and not the Building and Planning Director, shall approve or disapprove the application. The Site Plan Review Committee's action shall be in conformance with Sections 7105.7 and 7105.8 of this Chapter. Any such application shall be exempt from the filing fee set forth in Section 7106.7. (Added by Ord. No. 2534, effective 5-19-83.)

MAJOR REVISIONS

SECTION 7069. All revisions proposed to be made in an approved tentative map, other than those specifically listed in subsection (a) through (1) of section 7068.2 of this Article and those authorized pursuant to the last paragraph of said section 7068.2, shall constitute major revisions for the purposes of this Article. Any changes requested in the improvements required to be constructed by the subdivider shall also constitute major revisions. (Added by Ord. No. 1417, effective 12-17-70.)

REVISIONS
REQUIRING
EXCEPTIONS

SECTION 7069.2. If a proposed revision in the tentative map requires an exception under the provisions of Article 8 of this Chapter, such revision shall constitute a major revision. In such cases, the subdivider shall file an application for an exception in full compliance with the provisions of said Article 8 and pay the filing fees required for such an application for exception. The application for an exception shall be processed and acted upon in full conformity with the provisions of said Article 8. (Added by Ord. No. 1417, effective 12-17-70.)

PROCEDURE FOR
PROCESSING MAJOR
REVISIONS:
FILING: FEES

SECTION 7069.4.

- (a) A subdivider who desires to have major revisions in his tentative map approved, or who desires to have minor revisions approved which have been previously disapproved by the Building and Planning Director pursuant to section 7068.4 of this Article, shall file with the Building and Planning Director the revised tentative map. He shall file the same number of copies of the revised tentative map as required in the case of a tentative map under section 7060 or section 7104.6 of this Chapter and the form of the revised tentative map shall comply with all of the requirements that apply to a tentative map.
- (b) At the time the subdivider files the revised tentative map, he shall also submit the statements and other information that are required to accompany the tentative map or submit a written statement that the statements and other information filed with the tentative map are still applicable and correct.
- (c) At the time of filing a revised tentative map, the subdivider shall pay to the Building and Planning Director a filing fee in the amount of one-half (1/2) of the fee that is required for filing a tentative map under section 7060 or section 7104.6 of this Chapter; provided, however, that in no case shall the fee be less than Two Hundred Dollars (\$200.00). No part of said fee shall be returned to the subdivider if he subsequently withdraws the revised tentative map prior to final action. (Added by Ord. No. 1417, effective 12-17-70; amended by Ord. No. 2247, effective 7-5-79; amended by Ord. No. 2267, effective 9-20-79; amended by Ord. No. 2524, effective 3-31-83; amended by Ord. No. 2590, effective 3-15-84; amended by Ord. No. 2684, effective 1-9-86.)

ACTION ON MAJOR
REVISIONS: CON-
DITIONS AND
EFFECT OF APPROVAL

SECTION 7069.6.

- (a) The same procedures shall be followed in processing and acting upon a revised tentative map with major revisions as are applicable to a tentative map under Article 4 (commencing with section 7059) or Article 7

(commencing with section 7100) of this Chapter including, but not limited to, the public notices, hearings and appeal rights set forth in said Articles, and the same body shall take final action on the revised tentative map as previously took final action on the tentative map.

- (b) In taking action on a revised tentative map, the body taking final action is not restricted to merely taking action on the changes which have been requested by the subdivider and any other changes, conditions, or improvements that appear necessary or desirable, and are of a type that could have been required at the time of the original approval of the tentative map, may be required in connection with the approval or conditional approval of the revised tentative map.
- (c) Upon approval or conditional approval of the revised tentative map, it shall become, for all purposes, the approved tentative map of the subdivision and the tentative map which was originally approved shall no longer be of any force and effect for any purpose. (Added by Ord. No. 1417, effective 12-17-70; amended by Ord. No. 2247, effective 7-5-79; amended by Ord. No. 2263, effective 8-7-79.)

TIME LIMITS

SECTION 7069.8. Approval of revised tentative map by the Building and Planning Director, or by the Planning Commission, Board of Supervisors, or Site Plan Review Committee, in accordance with the provisions of this article, shall not change any of the time limits set forth in this Chapter or in the Subdivision Map Act for filing a final map or parcel map or expiration of the rights conferred by a vesting tentative map and the time limits shall run from the date of approval or conditional approval of the original tentative map rather than from the date of approval or conditional approval of the revised tentative map. (Added by Ord. No. 1417, effective 12-17-70; amended by Ord. No. 2247, effective 7-5-79; amended by Ord. No. 2429, effective 8-20-81; amended by Ord. No. 2463, effective 3-25-82; amended by Ord. No. 2524, effective 3-31-83; amended by Ord. No. 2683, effective 1-2-86.)

- (b) The size of each sheet shall be eighteen (18) by twenty-six (26) inches.
- (c) A marginal line shall be drawn completely around each sheet, leaving an entirely blank margin of one (1) inch.
- (d) The exterior boundary of the land included within the subdivision shall be indicated by a blue line which shall be approximately one-eighth (1/8) of an inch in width.
- (e) The scale of the map shall be one (1) inch equals one hundred (100) feet or a decimal fraction or a multiple of one hundred (100) feet.
- (f) Each sheet shall be numbered, the relation of one sheet to another clearly shown, and the total number of sheets used shall be set forth on each sheet.
- (g) The tract number, scale and north point shall be shown on each sheet. When the subdivider proposes to file more than one final map, relating to an approved or conditionally approved tentative map, the Planning Director shall assign a unit designation for each of said maps, which shall be shown in conjunction with the tract number on the final maps. (Amended by Ord. No. 788, effective 9-15-61; amended by Ord. No. 1057, effective 4-7-66; amended by Ord. No. 2463, effective 3-25-82.)

TITLE SHEET

SECTION 7072.

- (a) The tract number and the tract name, if any, shall comprise the title.
- (b) Below the title shall be a subtitle consisting of a general description of all the property being subdivided by reference to subdivisions or to sectional surveys.
- (c) References to subdivisions shall be worded identically with original records, with references to the books and pages if the subdivisions are recorded.
- (d) Affidavits, certificates, acknowledgments, endorsements, acceptances of dedication and notarial seals required by the Subdivision Map Act, shall appear on the title sheet.
- (e) The title sheet shall show the basis of bearings.
- (f) A key map showing the proposed subdivision and surrounding subdivisions and streets located within one quarter (1/4) mile radius of the boundaries of the proposed subdivision shall appear on the title sheet.

- (g) Where the size of a subdivision permits, in lieu of a title sheet, the information prescribed in subsections (a) through (f) of this section may be shown on the same sheet as the final map. (Amended by Ord. No. 1881, effective 1-1-76.)

**INFORMATION ON
FINAL MAP**

SECTION 7073. In addition to providing the information required by the Subdivision Map Act, the final map shall contain the following information:

- (a) The tract number and the tract name, if any, date of preparation, north point, scale and graphic scale.
- (b) The locations and names of streets; the center lines of streets; the lengths, tangents, radii and central angles and radial bearings of curves; the total width of each street and the width on each side of the centerline; the width of the portion of the street being dedicated and the width of any existing dedication.
- (c) The locations and widths of easements for pedestrian-ways that are to be located outside of street rights-of-way.
- (d) The locations and dimensions of public areas and the net acreage, to the nearest one-tenth (1/10) of an acre, contained therein.
- (e) The locations and widths of any bicycle paths that are to be located outside of street rights-of-way.
- (f) The locations and widths of access rights and easements to and along any public waterway, river or stream, and the locations and widths of access rights to any lake or reservoir owned by a public agency.
- (g) The center lines, widths and side lines of all easements to which the lots are subject and the date on which each easement was created. If the easement is not definitely located of record, a statement as to the easement shall appear on the title sheet. Easements for storm drains, sewers and other similar purposes shall be denoted by broken lines. Easements shall be clearly labeled and identified and if already of record, precise reference to the records given. Easements being dedicated shall be referred to in the certificate of dedication.
- (h) Locations and widths of easements for drainage channels and watercourses.
- (i) Locations and widths of easements for public utilities.
- (j) Locations and widths of railroad rights-of-way.

- (k) Waivers of rights of access to and from streets and lots and other parcels of land.
- (l) Locations and widths of lots to be conveyed to the County pursuant to section 7020 of this Chapter.
- (m) Locations, widths and names of streets, alleys and pedestrianways adjacent to the proposed subdivision.
- (n) Locations of city boundary lines.
- (o) The net dimensions of each lot. No ditto marks shall be used. Sufficient data shall be shown to determine readily the bearing and length of each lot line. On lots containing one (1) acre or more, the final map shall show net acreage to the nearest one-tenth (1/10) of an acre.
- (p) All lots numbered consecutively, commencing with the number "1," with no omissions or duplications, except for the lots covered by section 7020 of this Chapter which shall be lettered consecutively, commencing with the letter "A."
- (q) Location of, or reference to, any designated remainder parcel in accordance with section 66434 of the Government Code of the State of California.
- (r) All dimensions in feet and decimals of a foot.
- (s) The following surveying data:
 - (1) The radius, tangent, arc, central angle and radial bearing of curves.
 - (2) Suitable primary survey control points including section corners and monuments existing outside of the proposed subdivision.
 - (3) The character, type and location of all permanent monuments within the proposed subdivision.
 - (4) Ties to and names of adjacent subdivisions.
 - (5) Ties to any City and County boundary lines involved.
- (t) A notation or reference to the additional information required in section 7073.1 of this Article.
- (u) Any additional information which, in the judgment of the body which took final action on the tentative map, affects record title interests shall be shown on the final map. (Amended by Ord. No. 887, effective 4-25-63; amended by Ord. No. 1057, effective 4-7-66; amended by Ord. No. 1372, effective 4-16-70; amended by

Ord. No. 1495, effective 3-4-72; amended by Ord. No. 1547, effective 4-1-73; amended by Ord. No. 1881, effective 1-1-76; amended by Ord. No. 2316, effective 3-27-80; amended by Ord. No. 2758, effective 2-12-87.)

**FINAL MAP:
ADDITIONAL
INFORMATION**

SECTION 7073.1. In accordance with Section 66434.2 of the Government Code, the following information shall be filed or recorded simultaneously with the final map. The additional information shall be in the form of a separate document or an additional map sheet which shall indicate its relationship to the final map, and shall contain a statement that the additional information is for informational purposes, describing conditions as of the date of filing, and is not intended to affect record title interest. The document or additional map sheet may also contain a notation that the additional information is derived from public records or reports and does not imply the correctness or sufficiency of those records or reports by the preparer of the document or additional map sheet.

- (a) Locations and widths of drainage channels, watercourses, selected flood lines and proposed flood control works.
- (b) Building setback lines, if required by the body which took final action on the tentative map.
- (c) If a final geological-hydrological report and/or a soil investigation report has been prepared, this fact shall be noted, together with the date of the report, the name of the registered civil engineer or geologist making the report, and the location where the report is on file.
- (d) Any additional information which was required to be filed or recorded with the final map by the body which took final action on the tentative map and which does not affect record title interests. (Added by Ord. No. 2758, effective 2-12-87.)

MONUMENTS

SECTION 7074. In making the survey for the subdivision, monuments shall generally be placed at the angle points on the exterior boundary lines of the tract, at the intersections of center lines of streets and at the beginnings and ends of curves on the centerlines of streets. Monuments may be placed on offset lines. All monuments shall be set not less than eight (8) inches below finished grade and shall be of concrete six (6) inches in diameter and twelve (12) inches in length, or of capped iron pipe two (2) inches in diameter, and twenty-four (24) inches in length. Lot stakes shall be set flush to finished grade and shall be of redwood, two (2) inches by two (2) inches by twelve (12) inches, or of iron pipe or rod, one-half (1/2) inch in diameter and eighteen (18) inches in length. The requirements of this section supplement the requirements of sections 66495-66498 of the Government Code of the State of

California. (Amended by Ord. No. 862, effective 10-25-62; amended by Ord. No. 932, effective 12-5-63; amended by Ord. No. 1881, effective 1-1-76.)

**SURVEY REQUIRE-
MENTS**

SECTION 7075. A complete and accurate survey of the land to be subdivided shall be made by a registered civil engineer or licensed surveyor, in accordance with standard practices and principals of land surveying. Except in mountainous areas, the traverse of the exterior boundaries of a proposed subdivision and of each block and lot shall close within a limit of error of one (1) foot to seven thousand five hundred (7,500) feet of perimeter. In mountainous areas the limit of error shall be one (1) foot to two thousand five hundred (2,500) feet of perimeter.

**CERTIFICATES ON
FINAL MAP**

SECTION 7076. (Amended by Ord. No. 1405, effective 11-12-70; repealed by Ord. No. 1881, effective 1-1-76.)

**NOTICE TO OWNERS
OF EASEMENTS**

SECTION 7076.5. (Added by Ord. No. 1495, effective 3-4-72; repealed by Ord. No. 1881, effective 1-1-76.)

**DEDICATIONS,
CONVEYANCES AND
PUBLIC UTILITY
EASEMENTS**

SECTION 7077.

- (a) In accordance with section 66475 of the Government Code of the State of California, all parcels of land shown on the final map as intended for public use shall be offered for dedication for public use at the time the final map is filed, except those parcels which are intended for the exclusive use of lot owners in the subdivision, their licensees, tenants and servants.
- (b) All streets, alleys, pedestrianways, drainage channels, flood control works, easements and other right-of-ways shown on the final map as intended for public use, except easements for those public utilities regulated by the Public Utilities Commission of the State of California, shall be offered for dedication for public use at the time the final map is filed.
- (c) All rights of access to and from streets, lots and parcels of land shown on the final map to be surrendered shall be offered for dedication at the time the final map is filed.
- (d) A deed shall be submitted with the final map conveying to the County the lots required to be conveyed to the County by section 7020 of this Chapter.
- (e) Letters shall be submitted with the final map from the public utilities that will serve the subdivision certifying that satisfactory arrangements have been made with said public utilities for providing utility service and necessary easements therefor to serve each lot within the subdivision. (Amended by Ord. No. 887,

effective 4-25-63; amended by Ord. No. 1372, effective 4-16-70; amended by Ord. No. 1881, effective 1-1-76.)

**DEDICATION TO
SCHOOL DISTRICT**

SECTION 7077.5. Pursuant to section 66478 of the Government Code of the State of California, any subdivider who develops or completes the development of one or more subdivisions in one or more school districts maintaining an elementary school, shall dedicate to the school district within which such subdivisions are located, such land as the Board of Supervisors shall deem to be necessary for the purpose of constructing thereon such elementary schools as are necessary to assure the residents of the subdivisions of adequate public school service. Such dedications shall not be required by a subdivider who has owned the land being subdivided for more than ten (10) years prior to the filing of the tentative maps. Dedications required by this section shall be subject to all of the terms, conditions and procedures set forth in said section 66478 of the Government Code. (Added by Ord. No. 1057, effective 4-7-66; amended by Ord. No. 1300, effective 4-17-69; amended by Ord. No. 1678, effective 3-15-74; amended by Ord. No. 1881, effective 1-1-76.)

DRAINAGE PLAN

SECTION 7078. (Amended by Ord. No. 1372, effective 4-16-70; amended by Ord. No. 1380, effective 5-21-70; repealed by Ord. No. 1881, effective 1-1-76.)

**IMPROVEMENTS:
EXTENT**

SECTION 7079. The subdivider shall improve all lands dedicated for streets, alleys, pedestrianways, drainage facilities, flood control works, easements and other rights-of-way, subject to the following exceptions:

- (a) If the subdivision is served by a frontage road parallel to a limited access highway or freeway and the required right-of-way dedication for the limited access highway or freeway has been made by the subdivider, the subdivider shall be responsible for only those improvements required for the frontage road, in accordance with the improvement standards referred to in section 7080 of this Article, and shall not be required to provide improvements within the right-of-way of said limited access highway or freeway.
- (b) If the subdivision backs onto a limited access highway or freeway and the required right-of-way dedication for the limited access highway or freeway has been made by the subdivider and the subdivider has dedicated the right of access from the limited access highway or freeway to the subdivision, the subdivider shall not be required to construct the improvements referred to in section 7080 of this Article within the right-of-way line of the limited access highway or freeway. In such cases the subdivider may landscape the planting strip of the adjacent limited access highway or freeway with plant materials adequate to screen the

lots of the subdivision from the limited access highway or freeway. (Amended by Ord. No. 932, effective 12-5-63; amended by Ord. No. 1372, effective 4-16-70; amended by Ord. No. 1380, effective 5-21-70.)

**STREET LIGHTS:
DEPOSIT OF COST
OF POLE**

SECTION 7079.1. When a subdivider is required to provide a duct for future installation of a street light, pursuant to the provisions of section 7035.5 of this Chapter, the subdivider shall not install the street lighting pole. The Public Works Director shall determine the current differential cost charged by the public utility for a utility-owned ornamental marbelite or metal street lighting pole and the subdivider shall deposit money with the County to pay such differential cost. When a deposit has been made pursuant to this section, the subdivider shall have no further duties or liabilities in connection with purchase and installation of the street light. Such deposit shall be held by the County solely for the installation of the street light. If said pole has not been ordered to be installed by the Public Works Director within five (5) years after the date of approval of the final map by the Board of Supervisors, or if there is an unexpended balance of the amount deposited, the County shall return the money deposited, without interest, to the subdivider, his heirs or assigns. If the territory in which the street light is to be installed is annexed to a city prior to the installation of the street light, the County may offer to transfer to such city all funds theretofore deposited with the County. Any funds so transferred to the city shall be held by the city solely for the installation of the street light and shall be returned by the city to the subdivider, his heirs or assigns, if the work has not been ordered performed within said five (5) year period or if there is an unexpended balance after completing the work. The street light installed pursuant to this section shall remain the property of the public utility which provides lighting service to the street light system. (Added by Ord. No. 2268, effective 9-20-79.)

**IMPROVEMENTS:
DIVISION OF COSTS
OF IMPROVEMENTS**

SECTION 7079.3. Notwithstanding the provisions of section 7079 of this Article, the County shall share in the cost of the following improvements:

- (a) A four lane Class 3 or Select System Road, including any bridge or culvert which is part of said road, which the subdivider is required to construct in the subdivision, when a two lane road would serve the needs of the subdivision.
- (b) A bridge or culvert which is required by the County which will be located partially within the subdivision and partially outside the subdivision, and which will be part of the four lane road.

In addition, the County may also share in the cost of other improvements when the Board of Supervisors determines that such sharing of costs is fair and reasonable under the particular circumstances. The portion of the costs which the subdivider and the County will bear in each of the situations mentioned in this section shall be specified in the agreement between the County and the subdivider, in accordance with Section 7080.7 of this Article. The division of costs shall ordinarily be made in accordance with the general policies which are set forth in Resolution No. 67-1506, and amendments thereto. (Added by Ord. No. 1160, effective 9-23-67; amended by Ord. No. 1380, effective 5-21-70.)

**IMPROVEMENTS:
BRIDGES AND
CULVERTS**

SECTION 7079.5. When a bridge or culvert is required by the County which will be located partially within the subdivision and partially outside of the subdivision, the subdivider shall only be required to pay a portion of the cost of the bridge or culvert. The portion of the costs which the subdivider will bear shall be specified in the agreement between the County and the subdivider, in accordance with section 7080.7 of this Article. The division of costs shall ordinarily be made in accordance with the general policies which are set forth in Resolution No. 67-1506, and amendments thereto. (Added by Ord. No. 1160, effective 9-23-67; amended by Ord. No. 1881, effective 1-1-76.)

**IMPROVEMENTS:
IMPROVEMENTS
STANDARDS**

SECTION 7080.

- (a) All improvements shall conform to the applicable standards of materials and design which are set forth in the booklet entitled "Improvement Standards of Tulare County, Revised June 21, 1981." Three (3) copies of the aforementioned booklet have heretofore been filed for use and examination by the public in the office of the Clerk of the Board of Supervisors in accordance with section 66467 of the Government Code of the State of California, and said booklet is hereby adopted by reference as the standards for Tulare County.
- (b) Improvements shall be constructed in accordance with plans approved by the Public Works Director. Notice shall be given by the subdivider to the Public Works Director prior to the commencement of construction of improvements.
- (c) Improvements shall be installed to grades prescribed by the Public Works Director.
- (d) The Public Works Director, the Health Officer, the Fire Warden and the Planning Director shall have the right to enter upon the site of improvements for the purpose of inspecting them and said officials shall be furnished with samples of materials as may be required for making tests to determine the acceptability of such materials. (Amended by Ord. No. 932, effective

12-5-63; amended by Ord. No. 1314, effective 6-26-69; amended by Ord. No. 1380, effective 5-21-70; amended by Ord. No. 1547, effective 4-1-73; amended by Ord. No. 1773, effective 11-14-74; amended by Ord. No. 1881, effective 1-1-76; amended by Ord. No. 2429, effective 8-20-81.)

**IMPROVEMENTS:
FLOOD CONTROL
WORKS: IMPROVE-
MENT STANDARDS**

SECTION 7080.2. All flood control works to be constructed within selected flood lines shall conform to the requirements established by the Tulare County Flood Control District. The County Road Commissioner, acting on behalf of said District, shall have all of the rights, powers and duties delegated to the County Surveyor under subsections (b), (c) and (d) of section 7080 of this Article with regard to such flood control works. (Added by Ord. No. 1372, effective 4-16-70.)

**IMPROVEMENTS:
OTHER FLOOD
PROTECTION
REQUIREMENTS**

SECTION 7080.3. If all or a portion of the property which is the subject of the final map is located within selected flood lines, the improvement plans shall provide the elevation of proposed structure(s), pads, and adjacent grade. If the site is filled above the elevation of the selected flood, the final pad elevation shall be certified by a registered civil engineer or surveyor and provided to the Building and Planning Director as set forth in Section 7813(b) of Chapter 8 of this Part. (Added by Ord. No. 2725, effective 9-29-86.)

**FEES: PLAN
CHECKING AND
INSPECTION**

SECTION 7080.4. The subdivider shall pay the applicable fee set forth in Article 2.5 of this Chapter to cover the expense to the County of checking the plans for all improvements required by the County pursuant to this Chapter and the expense of inspecting the construction of such improvements. The fee shall be based on the estimated total cost of constructing such improvements and shall be paid to the County Surveyor prior to the submission of the final map to the Board of Supervisors. The estimate of the cost of improvements upon which said fee is determined shall be made by the County Surveyor based upon the current cost of similar work performed within the general area where the improvements are to be constructed. If the final map is withdrawn or a reversion to acreage map is recorded, the unexpended portion of said fee shall be refunded upon receipt by the County Surveyor of a written application from the subdivider. (Added by Ord. No. 1380, effective 5-21-70; amended by Ord. No. 2684, effective 1-9-86.)

SECURITY

SECTION 7080.5. Except as provided in California Government Code Section 66499.3, the subdivider shall provide the following security to guarantee the construction of all public improvements required for the subdivision:

- (a) One hundred percent (100%) of the total estimated cost of the public improvements, conditioned upon the faithful performance of the agreement between the County and the subdivider requiring such improvements.

- (b) Fifty percent (50%) of the total estimated cost of the public improvements, securing payment to the contractor, his subcontractors, and to persons furnishing labor, materials, or equipment to them for such public improvements.
- (c) Ten percent (10%) of the total costs of the required improvements including improvements that are in place at the time of approval (estimated on the basis of costs to the County) shall be retained by the County for a period of one (1) year following the completion and acceptance of the public improvements, as a guarantee and warranty against any defective work or labor done, or defective materials furnished. (Added by Ord. No. 1057, effective 4-7-66; amended by Ord. No. 1881, effective 1-1-76; amended by Ord. No. 2534, effective 5-19-83.)

**SEWAGE AND WATER
SYSTEMS: AGREE-
MENT: SECURITY**

SECTION 7080.6. (Added by Ord. No. 1314, effective 6-26-69; amended by Ord. No. 1495, effective 3-4-72; repealed by Ord. No. 1881, effective 1-1-76.)

**SECURITY: TYPES
OF SECURITY
AUTHORIZED**

SECTION 7080.6. Security provided to guarantee required public improvements shall be in favor of the County of Tulare and shall be in one of the following forms:

- (a) One of more irrevocable performance bonds in substantially the form provided in California Government Code Section 66499.1, issued by one or more reputable corporate sureties duly and legally licensed to transact business in the State of California and bearing the name and address of said surety clearly upon the face of the bond provided.
- (b) A deposit of cash with the Public Works Department, or in escrow with a responsible escrow agent or trust company.
- (c) An instrument of credit from one or more financial institutions subject to regulation by the California State or Federal government and pledging that the funds necessary to carry out the act or agreement are on deposit and guaranteed for payment.
- (d) An assignment or transfer of rights in an account, deposit or certificate insured by the Federal Deposit Insurance Corporation or the Federal Savings and Loan Insurance Corporation, in or with one or more financial institutions subject to regulation by the California State or Federal government, upon a form approved by the Tulare County Board of Supervisors.
- (e) A certificate of deposit issued by a financial institution regulated by the California State or Federal Government, issued in favor of the County of Tulare, and allowing the County to receive cash in exchange

for the certificate at least once during each six (6) month period. (Added by Ord. No. 2216, effective 2-20-79; amended by Ord. No. 2557, effective 9-1-83.)

**FLOOD CONTROL
WORKS: AGREE-
MENT: SECURITY**

SECTION 7080.6a. In those cases where all or a portion of a subdivision is located within selected flood lines, and the subdivider is required to construct flood control works which will be dedicated to the Tulare County Flood Control District, the Board of Supervisors of said District may require that the subdivider enter into an agreement with said District for the construction of such flood control works. The Board of Supervisors of said District may require the subdivider to provide security to carry out his obligations under such an agreement, and the type and amount of such security and provisions for release of such security shall be set forth in the agreement. (Added by Ord. No. 1372, effective 4-16-70.)

**FLOOD CONTROL
WORKS: PROCEDURE
WHEN DIVISION OF
COST OF IMPROVE-
MENTS**

SECTION 7080.7.

- (a) When the cost of any improvements in a subdivision is to be shared between the subdivider and the County, as provided in this Article, then the agreement between the County and the subdivider shall state whether the subdivider or the County is to perform the work. If the subdivider is to perform the work, the agreement shall provide for payment of the County's share of the cost of the improvements. If the County is to perform the work, the agreement shall provide for a deposit of money with the County as payment of the subdivider's share of the cost of the work.
- (b) When a deposit has been made by the subdivider pursuant to this section, the subdivider shall have no further duties or liabilities in connection with the construction of such improvement. Such a deposit by the subdivider shall be held by the County solely for the performance of the agreed work and if said work has not been completed within fifteen (15) years after the date of execution of the agreement by the Board of Supervisors, the County shall return the amount deposited by the subdivider, without interest, to the subdivider, his heirs or assigns.
- (c) If territory in which a proposed improvement is to be constructed is annexed to a city prior to the construction of the improvement, the County may offer to transfer to the city the funds theretofore deposited by the subdivider. However, in such cases, the County shall not share in the cost of the improvement pursuant to section 7079.3 of this Article. Any funds so transferred to the city shall be held by the city solely for the performance of the agreed work and

shall be returned to the subdivider, his heirs or assigns, if said work has not been performed within the period set forth in subsection (b) of this section. (Added by Ord. No. 1160, effective 9-23-67; amended by Ord. No. 1881, effective 1-1-76.)

**FLOOD CONTROL
WORKS: RELEASE
OF SECURITY**

SECTION 7081. (Amended by Ord. No. 862, effective 10-25-62; amended by Ord. No. 932, effective 12-5-63; amended by Ord. No. 1057, effective 4-7-66; repealed by Ord. No. 1881, effective 1-1-76.)

**IMPROVEMENTS:
ALTERNATIVE
PROCEDURES**

SECTION 7081.1. (Added by Ord. No. 862, effective 10-25-62; amended by Ord. No. 1057, effective 4-7-66; repealed by Ord. No. 1881, effective 1-1-76.)

**IMPROVEMENTS:
AGREEMENT
CONCERNING
IMPROVEMENTS:
DECLARATION OF
IMMEDIATE
IMPROVEMENT**

SECTION 7081.2. (Added by Ord. No. 862, effective 10-25-62; repealed by Ord. No. 1881, effective 1-1-76.)

**IMPROVEMENTS:
BOND**

SECTION 7081.3. (Added by Ord. No. 862, effective 10-25-62; amended by Ord. No. 1057, effective 4-7-66; repealed by Ord. No. 1881, effective 1-1-76.)

**IMPROVEMENTS:
RECISSION PRO-
CEEDINGS:
ATTORNEY FEES**

SECTION 7081.4. (Added by Ord. No. 862, effective 10-25-62; repealed by Ord. No. 1881, effective 1-1-76.)

**SUPPLEMENTAL
IMPROVEMENTS:
AGREEMENT**

SECTION 7082. When a subdivider is required to install improvements for the subdivision which contain supplemental size, capacity or number for the benefit of property not within the subdivision, in accordance with section 7009.7 of this Chapter, the County and the subdivider shall enter into an agreement prior to the approval of the final map. The agreement shall require the County to reimburse the subdivider for the difference between the amount it would have cost the subdivider to install the improvements to serve the subdivision only and the actual cost of such improvements. In order to pay the costs as required by the reimbursement agreement, the County may:

- (a) Collect from other persons, including public agencies, using such improvements for the benefit of real property not within the subdivision, a reasonable charge for such use.
- (b) Contribute to the subdivider that part of the cost of the improvements that is attributable to the benefit of real property outside the subdivision and levy a charge upon the real property benefited to reimburse itself for such cost, together with interest thereon, if any, paid to the subdivider. (Amended by Ord. No.

1495, effective 3-4-72; amended by Ord. No. 1881, effective 1-1-76.)

REMAINDER PARCEL: IMPROVEMENTS **SECTION 7082.3.** If the required improvements in a designated remainder parcel have not been completed prior to the approval of the final map, the final map shall not be approved until the subdivider has entered into an agreement with the Board of Supervisors to complete said improvements if:

- (a) The subdivider has agreed with the body taking final action on the tentative map that he will enter into an agreement with the County to construct said improvements, as specified in section 7065.7 of this Chapter; or
- (b) The body taking final action on the tentative map has determined that construction of such improvements is to be required within a reasonable time following approval of the final map, as specified in section 7065.7 of this Chapter and section 66424.6 of the Government Code of the State of California.

Such agreements pertaining to designated remainder parcels shall be subject to all of the same requirements of the Subdivision Map Act and this Chapter which pertain to agreements to construct improvements on the property which is being subdivided. (Added to Ord. 2303, effective 1-17-80.)

DEFERRING CONSTRUCTION OF IMPROVEMENTS **SECTION 7082.4.** When the subdivider is not required, and is not willing, to enter into an agreement for the construction of improvements in a designated remainder parcel, pursuant to Section 7082.3 of this Chapter and section 66424.6 of the Government Code of the State of California, the construction of said improvements will be deferred and section 7455 et seq. of this Ordinance Code shall govern the construction of said improvements at a later date. Any agreement entered into pursuant to section 7065.8 of this Article shall also govern such construction of deferred improvements. (Added by Ord. No. 2303, effective 1-17-80.)

DEFERRING CONSTRUCTION OF IMPROVEMENTS: FINAL INSPECTION **SECTION 7083.** (Repealed by Ord. No. 1881, effective 1-1-76.)

PROCEDURE: CERTIFICATION OF FINAL MAP **SECTION 7084.**

- (a) If the final map conforms to the approved tentative map, the Building and Planning Director shall so certify on the original tracing of the final map. If the final map does not so conform, the Building and Planning Director shall report such fact and the nature of the nonconforming features to the Public Works Director and the Building and Planning Director shall not

certify the map until specifically authorized to do so by the body which took final action on the tentative map.

- (b) The Public Works Director shall examine the print of the final map and determine the sufficiency of the affidavits and acknowledgments, the correctness of surveying data, mathematical data and computations, and determine whether the provisions of the Subdivision Map Act and this Chapter have been complied with. One copy of the map shall be returned to the subdivider with notations as to errors or omissions or a statement by the Public Works Director that the map is correct. The subdivider shall provide traverse sheets and work sheets showing the closure of the exterior boundaries of the subdivision and of any irregular blocks and lots.
- (c) Plans, profiles and specifications of proposed improvements shall be submitted to the Public Works Director for approval at the time the prints of the final map are submitted for checking. Such plans and profiles shall show the full details of the proposed improvements, and the improvements shall comply with standards and specifications adopted by the Board of Supervisors.
- (d) If the final map is found to be correct, the matters shown thereon are sufficient and all applicable provisions of the Subdivision Map Act and this Chapter have been complied with, the Public Works Director shall certify his approval on the original tracing of the map. (Amended by Ord. No. 1405, effective 11-12-70; amended by Ord. No. 1881, effective 1-1-76; amended by Ord. No. 2524, effective 3-31-83.)

**WAIVER OF MINOR
ERRORS**

SECTION 7084.3. Pursuant to section 66473 of the Government Code of the State of California, the Public Works Director shall not disapprove a final map because of a failure to meet or perform a requirement or condition imposed by the Subdivision Map Act or this Chapter if he determines that the failure of this map is a result of a technical and inadvertent error which does not, in his determination, materially affect the validity of the final map. When he finds such a failure which he believes should be waived under this section, he shall call the failure to the attention of the Board of Supervisors at the time the final map is presented to the Board, and the Board shall make the final decision on whether or not said failure shall be waived. (Added by Ord. No. 2316, effective 3-27-80.)

**FINAL MAP:
ACTION BY BOARD
OF SUPERVISORS**

SECTION 7085. After the final map has been checked and approved and all the certificates which appear on the final map, except the approval certificate of the Board of Supervisors, have been signed, and acknowledged if necessary, the Public Works Director shall file the final map with the

Board of Supervisors for approval in accordance with the Subdivision Map Act. The Clerk of the Board of Supervisors shall transmit written notice of the action of the Board to the subdivider, the Planning Commission, Public Works Director, County Health Department, and each public or private agency to which a copy of the tentative map was sent. (Amended by Ord. No. 887, effective 4-25-63; amended by Ord. No. 1881, effective 1-1-76.)

**ACTION ON OFFERS
TO DEDICATE OR
CONVEY PROPERTY
TO COUNTY**

SECTION 7085.5. (Added by Ord. No. 887, effective 4-25-63; amended by Ord. No. 932, effective 12-5-63; amended by Ord. No. 1057, effective 4-7-66; repealed by Ord. No. 1881, effective 1-1-76.)

**IMPROVEMENTS:
RELEASE OF
SECURITY**

SECTION 7086. Pursuant to section 66499.7 of the Government Code of the State of California, the Public Works Director shall have the power to release or reduce the improvement security deposited by the subdivider, pursuant to the following restrictions:

- (a) Improvement security securing payment to the contractor, his or her subcontractors and to persons furnishing labor, materials, or equipment may, after passage of the time within which claims of lien are required to be recorded pursuant to Article 3 (commencing with Section 3114) of Chapter 2 of Title 15 of Part 4 of Division 3 of the California Civil Code, and after completion and acceptance of the work, be reduced to an amount not less than the total claimed by all claimants for whom claims of lien have been recorded and notice thereof given in writing to the Board of Supervisors. If no such claims have been recorded and filed with the Board of Supervisors, such improvement security may be released in full. (Amended by Ord. No. 2534, effective 5-19-83.)
- (b) Improvement security given for the faithful performance of the work required by the agreement may be reduced from time to time during the course of the work. The Public Works Director shall not at any time reduce such security below an amount which will adequately secure the performance of the remainder of the required work. For the period of one (1) year after the completion and acceptance of the work, ten percent (10%) of the security for faithful performance shall be retained by the Public Works Director to cover the cost of correcting any defective work or labor done, or defective materials furnished, in constructing said improvements. At the end of said one (1) year period, the Public Works Director may release all of said improvement security except such amount as may then be required to insure the correction of any defects in the labor and materials furnished which have appeared within said one (1) year period. (Former section

amended by Ord. No. 1057, effective 4-7-66; repealed by Ord. No. 1881, effective 1-1-76. New section added by Ord. No. 1881, effective 1-1-76.)

**IMPROVEMENTS:
FINAL INSPECTION**

SECTION 7087. Upon completion of the required improvements by the subdivider, the Public Works Director shall make a final inspection of the subdivision. If it is found upon inspection that all improvements have been installed in accordance with approved plans and specifications, the Public Works Director shall transmit a letter indicating such findings to the Board of Supervisors, and the Board of Supervisors shall thereafter accept said improvements. (Added by Ord. No. 1881, effective 1-1-76.)

ARTICLE 6. REVERSION TO ACREAGE MAP
(Repealed by Ord. No. 1881, effective 1-1-76.)

PROCEDURE	SECTION 7090. (Former section repealed by Ord. No. 932, effective 12-5-63. New section adopted by Ord. No. 932, effective 12-5-63; repealed by Ord. No. 1881, effective 1-1-76.)
TITLE AND LEGAL DESCRIPTION	SECTION 7091. (Former section repealed by Ord. No. 932, effective 12-5-63. New section adopted by Ord. No. 932, effective 12-5-63; repealed by Ord. No. 1881, effective 1-1-76.)
STREETS AND EASEMENTS	SECTION 7092. (Former section repealed by Ord. No. 932, effective 12-5-63. New section adopted by Ord. No. 932, effective 12-5-63; amended by Ord. No. 1300, effective 4-17-69; repealed by Ord. No. 1881, effective 1-1-76.)
DEDICATIONS	SECTION 7093. (Former section repealed by Ord. No. 932, effective 12-5-63. New section adopted by Ord. No. 932, effective 12-5-63; amended by Ord. No. 1300, effective 4-17-69; repealed by Ord. No. 1881, effective 1-1-76.)
CHECKING BY COUNTY SURVEYOR	SECTION 7094. (Former section repealed by Ord. No. 932, effective 12-5-63. New section adopted by Ord. No. 932, effective 12-5-63; repealed by Ord. No. 1881, effective 1-1-76.)
CERTIFICATION BY COUNTY SURVEYOR	SECTION 7095. (Former section repealed by Ord. No. 932, effective 12-5-63. New section adopted by Ord. No. 932, effective 12-5-63; repealed by Ord. No. 1881, effective 1-1-76.)
PUBLIC HEARING BY BOARD OF SUPERVISORS	SECTION 7096. (Former section repealed by Ord. No. 932, effective 12-5-63. New section adopted by Ord. No. 932, effective 12-5-63; repealed by Ord. No. 1881, effective 1-1-76.)
RECORDING FINAL MAP: EFFECT	SECTION 7097. (Former section repealed by Ord. No. 932, effective 12-5-63. New section adopted by Ord. No. 932, effective 12-5-63; repealed by Ord. No. 1881, effective 1-1-76.)
ACTION BY BOARD OF SUPERVISORS	SECTION 7098. (Repealed by Ord. No. 932, effective 12-5-63.)

ARTICLE 7. PARCEL MAPS

(Former heading repealed, and new heading added by Ord. No. 1495, effective 3-4-72; heading further amended by Ord. No. 1881, effective 1-1-76.)

PURPOSE

SECTION 7100. The purpose of this Article is to establish the requirements and procedures for processing subdivisions, as that term is defined herein, under the circumstances where the parcel map procedure is authorized by sections 66426 and 66428 of the Government Code of the State of California. (Former section repealed by Ord. No. 1495, effective 3-4-72. New section added by Ord. No. 1495, effective 3-4-72; amended by Ord. No. 1881, effective 1-1-76; amended by Ord. No. 2694, effective 2-27-86.)

SUBDIVISION: DEFINITION

SECTION 7100.1. "Subdivision", as used in this Article, shall be as defined in section 66424 of the Government Code of the State of California except that this term shall also include divisions, as otherwise defined therein, which are for the purpose of conveyance of real property by gift. (Added by Ord. No. 2694, effective 2-27-86.)

SUPPLEMENTAL PROVISIONS

SECTION 7100.2. The requirements and procedures set forth in this Article are supplemental to the Subdivision Map Act. (Former section added by Ord. No. 1495, effective 3-4-72; repealed by Ord. No. 1881, effective 1-1-76. New section added by Ord. No. 1881, effective 1-1-76.)

DIVISION OF LAND

SECTION 7100.4. (Added by Ord. No. 1495, effective 3-4-72; repealed by Ord. No. 1881, effective 1-1-76.)

DIVISION OF LAND: EXCEPTIONS TO DIVISION OF LAND

SECTION 7100.6. (Added by Ord. No. 1495, effective 3-4-72; repealed by Ord. No. 1881, effective 1-1-76.)

DIVISION OF LAND: ADDITIONAL EXCEPTIONS TO DIVISIONS OF LAND: RAILROAD PROPERTY

SECTION 7100.8. (Added by Ord. No. 1495, effective 3-4-72; repealed by Ord. No. 1881, effective 1-1-76.)

LOT

SECTION 7101. "Lot", as used in this Article, means a parcel of land under one ownership which is used, or susceptible of being used, in accordance with the regulations of this Chapter and in accordance with the regulations of the applicable zoning ordinances of the County. (Former section amended by Ord. No. 932, effective 12-5-63; amended by Ord. No. 1245, effective 9-5-68; repealed by Ord. No. 1495, effective 3-4-72. New section added by Ord. No. 1495, effective 3-4-72.)

ORIGINAL PARCEL

SECTION 7101.2. "Original parcel", as used in this Article, means a contiguous area of land at the time of division, in one or a common ownership, any portion or all of

which is proposed to be divided under this Article. (Added by Ord. No. 1495, effective 3-4-72.)

FORTY ACRES

SECTION 7101.3. (Added by Ord. No. 1495, effective 3-4-72; repealed by Ord. No. 1881, effective 1-1-76.)

**PARCEL MAP
COMMITTEE**

SECTION 7101.4. (Added by Ord. No. 1495, effective 3-4-72; amended by Ord. No. 1881, effective 1-1-76; repealed by Ord. No. 2429, effective 8-20-81.)

**DEDICATION OF
RIGHT OF WAY:
IRREVOCABLE OFFER**

SECTION 7101.5. As used in this Article and in any other Article of this Part which provides that such dedication shall not exceed the dedication required for parcel maps by this Article, "dedication of right of way" includes irrevocable offer of dedication. However, if immediate acceptance of the right of way is deemed by the Public Works Director to be necessary to accommodate construction of non-deferred improvements required by this Chapter, including but not limited to curb and gutter, road widening and utility relocation, then "dedication of right of way" shall refer only to actual dedication of right of way. (Added by Ord. No. 2735, effective 11-20-86.)

**COMPLIANCE WITH
REQUIREMENTS**

SECTION 7101.6. (Added by Ord. No. 1495, effective 3-4-72; repealed by Ord. No. 1881, effective 1-1-76.)

**GENERAL REQUIRE-
MENTS FOR SUB-
DIVISIONS**

SECTION 7102. Except as otherwise provided in this Article, the general requirements for approval of subdivisions for which tentative and final subdivision maps are required are equally applicable to parcel maps filed pursuant to this Article and any findings required shall be made by the Site Plan Review Committee. (Former section repealed by Ord. No. 1495, effective 3-4-72. New section added by Ord. No. 1495, effective 3-4-72; amended by Ord. No. 1881, effective 1-1-76; amended by Ord. No. 2429, effective 8-20-81.)

REMAINDER PARCELS

SECTION 7102.1. Except as otherwise expressly provided, all of the provisions and requirements of this Article, including the requirements for dedications and improvements, shall be applicable to designated remainder parcels as well as to other lots included in a parcel map. (Added by Ord. No. 2316, effective 3-27-80.)

**REQUIREMENTS FOR
LOTS**

SECTION 7102.2. All lots to be created by the parcel map shall conform to all of the applicable zoning and building ordinances of the County and shall comply with all of the general requirements for lots in other subdivisions as set forth in this Chapter, except as otherwise set forth in this Article. (Added by Ord. No. 1495, effective 3-4-72; amended by Ord. No. 1881, effective 1-1-76.)

**LOTS: SPECIAL
REQUIREMENTS:
PARTIAL FRONTAGE**

SECTION 7102.4. Notwithstanding the provisions of section 7102.2 of this Article, and except as otherwise provided in section 7102.7 of this Article, a parcel map may be approved even though one or more of the parcels to be created will not abut on or have direct access to a County road, provided that the original parcel prior to division has a minimum frontage of ninety-six (96) feet abutting on an existing County road and the following requirements are complied with:

- (a) A private easement for vehicular access is in existence, or will be made available, to serve each parcel. Such private easement shall meet the requirements set forth in section 7103.4 of this Article.
- (b) The parcel which abuts upon a County road and also on a private easement for vehicular access shall have a minimum width of seventy (70) feet and minimum depth of one hundred (100) feet exclusive of said easement of road right of way.

For those parcels which will abut only on said private easement and will not abut on a County road, the applicant shall specify the side of the parcel that he deems to be the front of the parcel. All setbacks and other computations under this Chapter and other zoning and planning ordinances shall be based on this designation by the applicant. (Added by Ord. No. 1495, effective 3-4-72; amended by Ord. No. 1773, effective 11-14-74; amended by Ord. No. 1881, effective 1-1-76.)

**LOTS: SPECIAL
REQUIREMENTS:
NO FRONTAGE**

SECTION 7102.6. Notwithstanding the provisions of section 7102.2 of this Article, and except as otherwise provided in section 7102.7 of this Article, a parcel map may be approved even though the original parcel does not have any frontage on a County road if a private easement for vehicular access is in existence, or will be made available, from every parcel to be created by the division of land to a County road. Such private easement shall meet the requirements set forth in section 7103.4 of this Article. (Added by Ord. No. 1495, effective 3-4-72; amended by Ord. No. 1773, effective 11-14-74; amended by Ord. No. 1882, effective 1-1-76.)

**LOTS IN URBAN
IMPROVEMENT
AREAS: FRONTAGE**

SECTION 7102.7. The provisions of sections 7102.4 and 7102.6 of this Article shall not apply to any parcel being created which is located within the boundaries of an urban improvement area, as established by the General Plan, as such boundaries exist at the time of approval of the tentative map. All lots created within any such urban improvement area shall have frontage on a County road. (Added by Ord. No. 1773, effective 11-14-74.)

IMPROVEMENTS

SECTION 7103. Except as otherwise provided in this Article, the person applying for approval of a parcel map shall make all of the same dedications and improvements that are required under this Chapter for other subdivisions, and the improvement standards referred to in section 7080 of this Chapter shall be applicable to all such improvements. Such improvements shall include, but are not limited to, street improvements, domestic water supply and a sewage disposal system. However, no dedications or improvements shall be required with regard to any parcel to be created which will have an area of ten (10) acres or more except as follows:

- (a) Private easements for vehicular access shall be improved in accordance with the requirements of this Article.
- (b) Dedication of right of way to the County for new roads shall be required in order to provide adequate access to the lots being created and the subdivider shall be required to improve such right of way dedicated to the County. This subsection does not require the subdivider to dedicate right-of-way to widen an existing County road. (Former section repealed by Ord. No. 1495, effective 3-4-72. New section added by Ord. No. 1495, effective 3-4-72; amended by Ord. No. 1522, effective 8-8-72; amended by Ord. No. 1882, effective 1-1-76.)

IMPROVEMENTS: EXCEPTIONS FOR CERTAIN IMPROVE- MENTS

SECTION 7103.1. (Added by Ord. No. 1773, effective 11-14-74; amended by Ord. No. 1882, effective 1-1-76; amended by Ord. No. 2006, effective 4-14-77; repealed by Ord. No. 2303, effective 1-17-80.)

DEDICATION OF STREET: WIDTH

SECTION 7103.2. When a person applying for approval of a parcel map is required to dedicate additional right-of-way to the County, and the original parcel is located only on one side of a County road, he shall be required to dedicate additional right-of-way which does not exceed one-half (1/2) of the ultimate width of the right-of-way as specified for road classifications in the improvement standards which are referred to in section 7080 of the Ordinance Code. Said one-half (1/2) of the ultimate width of the right-of-way shall be measured from the center line of the road as originally dedicated, except in the case where the original dedication was intended to be less than a full width street in which case the Public Works Director will determine the center line to be used as the basis for the additional dedication. The fact that more than one-half (1/2) of the ultimate right-of-way of such road will come from the property being divided shall not be a basis for requiring a dedication of a wider parcel. (Former section added by Ord. No. 1495, effective 3-4-72, and repealed by Ord. No. 1773, effective 11-14-74. New section added by Ord. No. 1773, effective 11-14-74; amended by Ord. No. 1882, effective 1-1-76.)

REMOVAL OF
EXISTING IMPROVE-
MENTS FROM
RIGHT-OF-WAY

SECTION 7103.3. The person applying for approval of a parcel map shall not be required to remove existing improvements such as buildings, pumps and other structures or facilities from right-of-way which is dedicated to the County for road purposes pursuant to the Article prior to making the dedication, and such improvements may remain until road construction work requires that they be removed. In those cases where the County, rather than a private person, is required to perform the road construction work, the County shall be entitled to remove and dispose of said existing improvements at such time as it desires to perform work within such right-of-way, without any payment to the grantor or his successors in interest for such improvements. The Public Works Director shall, at least sixty (60) days prior to removal of said improvements, send a written notice of intention to remove said improvements to the owner of said improvements as shown on the last equalized assessment roll. (Added by Ord. No. 1773, effective 11-14-74; amended by Ord. No. 1882, effective 1-1-76.)

REQUIREMENTS FOR
EASEMENTS FOR
VEHICULAR ACCESS

SECTION 7103.4

- (a) Unless provided otherwise in the General Plan, any specific plan, or the improvement standards of Tulare County, referred by Section 7080 of this Ordinance, the minimum easement width and pavement width for private easements for vehicular access shall be as follows:

Number of parcels to be served which do not have the required minimum frontage on a County maintained road	Easement Width	Pavement Width
1	18'	10'
2	18'	16'
3	20'	18'
4	26'	20'

If more than four (4) parcels will be served which do not have the minimum required frontage on a County maintained road, the easement and pavement widths shall be the same as set forth in the standards referred to in section 7080 of this Chapter for the category of County road that it would be classified if it were being dedicated to the County.

- (b) Instead of paving a private easement for vehicular access, a graded traveled way which is the same width as the pavement width set forth in subsection (a) above may be provided if all of the following requirements are met:

- (1) Four (4) or less parcels will be served, each of which is forty (40) acres or more in area, or only one (1) or two (2) parcels will be served regardless of their size.
 - (2) The road to be graded is an existing easement for access to the parcels being created and has been in existence for five (5) years or more.
 - (3) The Public Works Director has waived the requirement that an irrevocable offer of dedication be made with regard to the easement to be graded, pursuant to Section 7103.5 of this Article.
- (c) The maximum length of private easements for vehicular access, when they constitute cul-de-sacs or dead-end streets, shall be as follows:
- (1) If any parcel created, which does not have the required minimum frontage on a County maintained road, is less than ten (10) acres in area, the length of the easement shall not exceed one thousand (1,000) feet in mountainous areas and six hundred sixty (660) feet in nonmountainous areas.
 - (2) If all parcels created, which do not have the required minimum frontage on a County maintained road, are ten (10) acres or more in area, including any portion of the parcel subject to an easement for vehicular access, the length of the easement shall not exceed one thousand three hundred twenty (1,320) feet in mountainous areas and eight hundred (800) feet in nonmountainous areas.
 - (3) Regardless of the provisions of paragraphs (1) and (2) hereinabove, if the private easement for vehicular access is allowed to be graded, pursuant to subsection (b) hereinabove, there shall be no maximum length for the easement.
- (d) When improvements are required by this section for private easements for vehicular access, said improvements shall be constructed in conformity with the standards referred to in Section 7080 of this Chapter, including any modifications thereof by the Site Plan Review Committee made to ensure conformity with the General Plan or approved through the exception procedure set forth in Article 8 of this Chapter.
- (e) When required by Section 7023.5 of this Chapter, the subdivider shall make provision for the future maintenance and repair of all private easements for vehicular access required by this Article. Evidence of such provision shall be provided to the County at the time of filing the final map in the manner set

forth in subsection (e) of Section 7070 of this Chapter except that if waiver of the filing of a final map is requested by the subdivider, such evidence shall be filed prior to approval of the waiver by the Site Plan Review Committee. (Added by Ord. No. 1495, effective 3-4-72; amended by Ord. No. 1517, effective 7-11-72; amended by Ord. No. 1883, effective 1-1-76; amended by Ord. No. 2429, effective 8-20-81; amended by Ord. No. 2463, effective 3-25-82; amended by Ord. No. 2785, effective 8-13-87.)

**REQUIREMENTS FOR
EASEMENTS FOR
VEHICULAR ACCESS:
DEDICATION IN
ADDITION TO PRI-
VATE EASEMENT FOR
VEHICULAR ACCESS**

SECTION 7103.5. In any case where a person applying for approval of a parcel map proposes that a private easement for vehicular access serve as the means of access to a parcel, in accordance with sections 7102.4, 7102.6 and 7103.4 of this Article, he shall also make an irrevocable offer to dedicate a County road over the same alignment. Such irrevocable offer shall be made when an existing private easement is to serve as access as well as when a new private easement is being created. Such offer of dedication of a County road shall be for a road width which meets the requirements and standards established for subdivisions for which final subdivision maps are required. Such offer of dedication will not be accepted by the Board of Supervisors until such time as it appears necessary or desirable to have a County road at that location. The person applying for approval of a parcel map shall only be required to make improvements in accordance with the requirements for private easements for vehicular access rather than the standards for County roads. The form of such offer to dedicate shall comply with the provisions of section 7107.6 of this Article. The provisions of section 7103.3 of this Article shall be applicable to any improvements located on the property which is subject to the offer to dedicate after the offer to dedicate has been accepted. If, in any case, the Public Works Director determines that it would not be beneficial for the County, or a city that might be the successor in interest to the County, to have a public road at such a location, he may waive such an offer to dedicate. (Added by Ord. No. 1773, effective 11-14-74; amended by Ord. No. 1882, effective 1-1-76; amended by Ord. No. 2006, effective 4-14-77.)

FIRE HYDRANTS

SECTION 7103.6. Fire hydrants may be required in the area being divided if the lots are served by a community water system and if the County Fire Warden so recommends. Fire hydrants shall be designed and installed in accordance with the standards referred to in section 7080 of this Chapter. (Added by Ord. No. 1495, effective 3-4-72; amended by Ord. No. 2006, effective 4-14-77.)

**SEWAGE SYSTEMS:
SPECIAL
PROVISIONS**

SECTION 7103.7. In cases where individual sewage systems are proposed in mountainous areas, the lots shall be deemed to be in the "poor soils" category as defined in section 7026.3 of this Chapter and the minimum lot sizes shall be as indicated for "poor soils" on the Slope/Area Diagram

contained in section 7026.2 of this Chapter. Reclassification of the soils category to "questionable" or "acceptable soils" may be approved by the Site Plan Review Committee provided substantiating technical data prepared by a registered engineering geologist, registered geologist or a registered civil engineer, has been submitted by the applicant. (Added by Ord. No. 1773, effective 11-14-74; amended by Ord. No. 2429, effective 8-20-81.)

CURBS AND GUTTERS **SECTION 7103.8.** Curbs and gutters shall be required on all lots created by the parcel map fronting on County roads, except for any lot that comes within any of the following exceptions:

- (a) Any lot containing more than two and one-half (2-1/2) acres.
- (b) Any lot located in a mountainous area.
- (c) Any lot located outside of the urban improvement area established by the General Plan.

If a lot has more than two hundred (200) feet of frontage on a County road, then two hundred (200) lineal feet of curbs and gutters shall be provided on the County road at the location designated by the Site Plan Review Committee. On lots that have frontage on more than one County road, curbs and gutters shall be provided on each road and a maximum of two hundred (200) lineal feet of curbs and gutters are required on each road. (Added by Ord. No. 1773, effective 11-14-74; amended by Ord. No. 1882, effective 1-1-76; amended by Ord. No. 2006, effective 4-14-77; amended by Ord. No. 2429, effective 8-20-81.)

SIDEWALKS **SECTION 7103.9.** Regardless of the provisions of section 7012 of this Chapter, sidewalks shall not be required to be provided except under the same circumstances and in the same locations where curbs and gutters are required to be constructed under section 7103.8 of this Article. However, if curbs and gutters are already in existence, then sidewalks shall be required in accordance with section 7012 of this Chapter. (Added by Ord. No. 2006, effective 4-14-77.)

UTILITY EASEMENTS **SECTION 7104.** Utility easements for the location of overhead or underground utilities shall be required at such locations as may be necessary to provide the lots to be created with electric power, sewer lines, gas lines, street lighting and communications. (Former section amended by Ord. No. 932, effective 12-5-63; amended by Ord. No. 1057, effective 4-7-66; repealed by Ord. No. 1495, effective 3-4-72. New section added by Ord. No. 1495, effective 3-4-72.)

**STREET LIGHTS:
NOT REQUIRED** **SECTION 7104.1.** Regardless of the provisions of sections 7035.5 and 7079.1 of this Chapter, the subdivider is not required to provide street lights or ducts for street lights. (Added by Ord. No. 2268, effective 9-20-79.)

**FLOODING AND
PONDING**

SECTION 7104.2. Areas which are located within a floodway or selected flood lines or which are otherwise subject to ponding of surface water shall not be divided under this Article unless they come within one or more of the following provisions:

- (a) The parcels to be created each have sufficient area which is not subject to flooding or ponding to provide an adequate area for any intended residences, commercial or industrial structures, or other buildings or structures proposed to be constructed on each parcel, including individual wells and/or sewage disposal systems needed in connection with such structures.
- (b) The purpose of the parcel map proceeding is to convey or lease land to an abutting property owner for the purpose of enlarging his parcel.
- (c) The owner is willing to take necessary measures to prevent the flooding or ponding as provided in Section 7043 of this Chapter. The County Public Works Director shall review the measures proposed to be taken to prevent flooding or ponding and shall report to the Site Plan Review Committee on the adequacy of such measures. If the owner is required to grade building pads or fill the site above the elevation of the selected flood, the certificate required in Section 7080.3 shall also be required.
- (d) All of the parcels being created are already completely developed with residential, commercial or industrial structures and there is no evidence of present intent to build other structures on the property. (Added by Ord. No. 1495, effective 3-4-72; amended by Ord. No. 1882, effective 1-1-76; amended by Ord. No. 2006, effective 4-14-77; amended by Ord. No. 2429, effective 8-20-81; amended by Ord. No. 2725, effective 9-29-86.)

HAZARDOUS AREAS

SECTION 7104.4. Areas which are subject to slides or other similar hazards to public safety shall not be divided under this Article unless they come within one or more of the following provisions:

- (a) The parcels to be created each have sufficient area which is not subject to slides or other similar hazards to provide an adequate area for any intended residences, commercial or industrial structures, or other buildings or structures proposed to be constructed on each parcel.
- (b) The purpose of the parcel map proceeding is to convey or lease land to an abutting property owner for the purpose of enlarging his parcel.

- (c) The owner is willing to take necessary measures to prevent such slides or other similar hazards, under the direction of a registered engineering geologist, soils scientist or registered civil engineer.
- (d) All of the parcels being created are already completely developed with residential, commercial or industrial structures and there is no evidence of present intent to build other structures on the property. (Added by Ord. No. 1495, effective 3-4-72; amended by Ord. No. 1547, effective 4-1-73; amended by Ord. No. 1882, effective 1-1-76; amended by Ord. No. 2006, effective 4-14-77.)

PRELIMINARY PARCEL MAP

SECTION 7104.5. Prior to submitting a tentative parcel map a subdivider shall submit a preliminary map of the subdivision to the Building and Planning Director in accordance with Article 3 of this Chapter, if the subdivision comes within any of the following categories:

- (a) All or a portion of the proposed subdivision is located within the boundaries of a zone, established pursuant to the Zoning Ordinance, which requires a site plan review for parcel maps.
- (b) A vesting tentative map is to be filed for the parcel map in accordance with Chapter 4.5 of Division 2 of Title 7 of the Government Code of the State of California. (Former section repealed by Ord. No. 1495, effective 3-4-72. New section adopted by Ord. No. 2429, effective 8-20-81; amended by Ord. No. 2524, effective 3-31-83; amended by Ord. No. 2683, effective 1-2-86.)

TENTATIVE PARCEL MAP: FILING: FEES

SECTION 7104.6.

- (a) A tentative parcel map is required for all subdivisions for which a parcel map is required by the Subdivision Map Act. The tentative parcel map shall be delivered to the Building and Planning Director prior to the completion of final surveys of streets and lots and before any grading or construction work is begun.
- (b) Twelve (12) copies of the tentative parcel map shall be delivered to the Building and Planning Director.
- (c) At the time of delivering the tentative parcel map, the applicant shall pay to the Building and Planning Director the applicable filing fee set forth in Article 2.5 of this Chapter to defray the expenses incidental to processing the map.
- (d) The tentative parcel map shall not be deemed to be filed until the Building and Planning Director has made the review authorized by section 65943 of the Government Code of the State of California and has

determined whether the map and accompanying documents are complete. When the Building and Planning Director has determined that said map and documents are complete, and transmitted the written notice that the map and documents are complete, or when the thirty (30) day period has expired, all as set forth in said section 65943, the tentative parcel map shall be deemed to be filed. If the Building and Planning Director notifies the subdivider that the map and documents are not complete, the tentative parcel map shall not be deemed to be filed until the Building and Planning Director determines that all information required by the notice has been provided by the subdivider.

- (e) Notwithstanding the provisions of subsection (d) of this section, the tentative parcel map shall not be deemed to be filed for the purposes of section 7105.2 of this Article until the environmental documentation required by the Environmental Quality Act of 1970 (Public Resources Code Section 2100 et seq.) have been completed in accordance with the Tulare County Guidelines for implementing said Act. (Added by Ord. No. 1495, effective 3-4-72; amended by Ord. No. 1668, effective 1-17-74; amended by Ord. No. 1882, effective 1-1-76; amended by Ord. No. 2158, effective 9-28-78; amended by Ord. No. 2180, effective 11-30-78; amended by Ord. No. 2267, effective 9-20-79; amended by Ord. No. 2315, effective 3-27-80; amended by Ord. No. 2439, effective 10-1-81; amended by Ord. No. 2463, effective 3-25-82; amended by Ord. No. 2524, effective 3-31-83; amended by Ord. No. 2667, effective 9-12-85; amended by Ord. No. 2684, effective 1-9-86.)

**TENTATIVE PARCEL
MAP: REQUIREMENTS**

SECTION 7105. The tentative parcel map shall be legibly drawn, in pencil or ink, and shall use a decimal or an engineer's scale of not less than one (1) inch equals one hundred (100) feet unless the Building and Planning Director determines that a different scale will be adequate and appropriate for the tentative map. The size of each sheet shall be eleven (11) by seventeen (17) inches unless a larger sheet is required in which event sheets which are eighteen (18) by twenty-six (26) inches shall be used. The tentative map shall clearly show the following information:

- (a) The dimensions and boundaries of the original parcel, with a legal description of the original parcel attached to the map.
- (b) The dimensions, computed area and boundaries of each parcel to be created.
- (c) All existing surface and underground structures and improvements located on the original parcel together with the exterior dimensions of said structures and improvements, the distance between structures and improvements, the number of stories or the height of

each structure and the distance from the structures and improvements to the boundary lines of the lots which are to be created by the proposed division of land.

- (d) The names, locations and widths of all existing and proposed streets abutting the original parcel.
- (e) The location, purpose and width of all existing and proposed easements and the names of the owners and proposed owners of the easements. Easement boundaries shall be shown by means of a dotted line.
- (f) Sufficient elevations and contours to determine the general slope of the land and the high and low points thereof shall be shown. If the natural ground slope exceeds twenty percent (20%), contours shall be shown at a minimum of ten (10) foot intervals; provided, however, that if the parcels being created total forty (40) acres or more, contour data from United States Coast and Geodetic Surveys may be submitted instead. Bluffs, knolls, rock outcroppings or other significant characteristics of the terrain which may have an effect on lot design or installation of improvements shall be shown and properly labeled.
- (g) Approximate location of all areas subject to flooding or ponding of surface water, the location, width and direction of flow of all watercourses and the location of floodways and/or selected flood lines. The elevation of the base flood shall also be provided for any parcel which is less than five (5) acres in size.
- (h) Existing use or uses of the property.
- (i) Proposed use of the property and, if property is proposed to be used for more than one purpose, the areas proposed for each type of use.
- (j) Statement of the improvements and public utilities proposed to be made or installed and the time at which such improvements are proposed to be completed.
- (k) North point, scale and date of preparation.
- (l) Provisions for sewage disposal.
- (m) The proposed water supply. If water is to be furnished from a source other than from wells or springs within the individual lot or lots, a letter from the utility company which will serve the lots shall accompany the plat stating that adequate water is available and can be furnished to each lot.

- (n) The names, addresses and telephone numbers of the property owners, the person filing the map, and the registered civil engineer or licensed land surveyor, if any, who prepared the map.
- (o) The names and addresses of all owners of real property as shown on the latest equalized assessment roll within 300 feet of the real property that is the subject of the tentative parcel map.
- (p) If a vesting tentative parcel map is to be filed, it shall be accompanied by such additional information, plans and documents as may be required by the Site Plan Review Committee in its report on the design conference for the preliminary parcel map required by Section 7054 of this Chapter. In addition, a vesting tentative parcel map shall show thereon the same information required for vesting tentative maps in Section 7062.1 of this Chapter.
- (q) Such other information as the Building and Planning Director determines is necessary for the Site Plan Review Committee to properly consider the proposed division of land. (Former section amended by Ord. No. 932, effective 12-5-63; repealed by Ord. No. 1495, effective 3-4-72. New section added by Ord. No. 1495, effective 3-4-72; amended by Ord. No. 2429, effective 8-20-81; amended by Ord. No. 2643, effective 3-25-82; amended by Ord. No. 2524, effective 3-31-83; amended by Ord. No. 2646, effective 2-28-85; amended by Ord. No. 2683, effective 1-2-86; amended by Ord. No. 2725, effective 9-29-86.)

GEOLOGICAL- HYDROLOGICAL REPORTS

SECTION 7105.1.

- (a) Unless a preliminary map is required by Section 7104.5 of this Article, the tentative parcel map shall be accompanied by six (6) copies of a preliminary geological-hydrological report which complies with the requirements of section 7052.5 of this Chapter. In those cases where a preliminary parcel map was filed pursuant to section 7104.5, and the Site Plan Review Committee so requires, the tentative parcel map shall be accompanied by six (6) copies of a final geological-hydrological report which complies with the requirements of section 7063.2 of this Chapter.
- (b) If the Building and Planning Director determines, at the time the tentative parcel map is filed, that sufficient accurate information is already available with regard to any or all of the matters to be covered in the preliminary geological-hydrological report, he may waive a report on such matters.

- (c) If, after reviewing the preliminary geological-hydrological report, the Site Plan Review Committee determines that further information is necessary to properly evaluate any or all of the matters contained in the preliminary report, the Site Plan Review Committee may require the preparation and filing of a final geological-hydrological report covering such matters. Such final report shall comply with the requirements of section 7063.2 of this Chapter. Determination as to the location and number of test wells for a parcel map shall be made by the Site Plan Review Committee following the same procedures specified in section 7063.2 to be followed by the Building and Planning Director for other subdivisions. If such a final report is required after the filing of the tentative parcel map, the deadline for taking action on the tentative parcel map is extended until ten (10) days after such report is filed with the Site Plan Review Committee. (Added by Ord. No. 1547, effective 4-1-73; amended by Ord. No. 1882, effective 1-1-76; amended by Ord. No. 2429, effective 8-20-81; amended by Ord. No. 2524, effective 3-31-83.)

**GEOLOGICAL-
HYDROLOGICAL
REPORTS: FEES
FOR HEALTH
OFFICER**

SECTION 7105.1a. At the time of filing a preliminary or final geological-hydrological report the subdivider shall pay the initial fee set forth in Article 2.5 of this Chapter to the Building and Planning Director to defray the expenses of the County Health Officer in reviewing the report. The County Health Officer shall keep accurate records of the actual costs associated with the review. Upon completion of the review and approval of the report, the Health Officer shall bill the subdivider for the actual costs of the review in excess of the initial fee and the subdivider shall pay the cost thereof to the Health Officer. The Site Plan Review Committee shall withhold action on the tentative parcel map pursuant to Section 7105.4 of this Article until the fee for the Health Officer's review of the preliminary or final geological-hydrological report is paid. (Added by Ord. No. 2217, effective 3-22-79; amended by Ord. No. 2524, effective 3-31-83; amended by Ord. No. 2667, effective 9-12-85; amended by Ord. No. 2684, effective 1-9-86.)

NOTICE OF HEARING

SECTION 7105.1b. At least ten (10) days prior to the hearing before the Site Plan Review Committee on the tentative parcel map, the Building and Planning Director shall publish and give notice of such hearing in accordance with the provisions of section 66451.3 of the Government Code of the State of California. (Added by Ord. No. 2263, effective 8-7-79; amended by Ord. No. 2429, effective 8-20-81; amended by Ord. No. 2463, effective 3-25-82; amended by Ord. No. 2524, effective 3-31-83; amended by Ord. No. 2646, effective 2-28-85.)

**IMPOSITION OF
FEES: INTERIM
SCHOOL FACILITIES**

SECTION 7105.1c

- (a) If a school district in which the proposed subdivision is located has made the findings specified in Section 7602 of this Ordinance Code and the Board of Supervisors has concurred in such findings and determined the fees payable by a developer in accordance with Sections 7603 and 7606 of this Code, the Site Plan Review Committee shall not approve the tentative parcel map without finding that the fees previously determined by the Board are required, and imposing such fees as a condition of approval.
- (b) The subdivider may appeal the requirement of fees to the Board of Supervisors in accordance with Section 7604.1 of this Ordinance Code. (Added by Ord. No. 2669, effective 10-3-85.)

**HEARING ON
TENTATIVE
PARCEL MAP**

SECTION 7105.2. The Site Plan Review Committee shall hold its public hearing and review and approve, conditionally approve or disapprove the tentative parcel map within thirty (30) days after the date of filing with the Building and Planning Director. The date of filing the tentative parcel map shall be determined in accordance with section 7104.6 of this Article. Said time limits may be extended by mutual consent of the Site Plan Review Committee and the applicant. (Added by Ord. No. 1495, effective 3-4-72; amended by Ord. No. 2006, effective 4-14-77; amended by Ord. No. 2263, effective 8-7-79; amended by Ord. No. 2315, effective 3-27-80; amended by Ord. No. 2429, effective 8-20-81; amended by Ord. No. 2463, effective 3-25-82.)

**ACTION BY SITE
PLAN REVIEW
COMMITTEE**

SECTION 7105.4.

- (a) The Site Plan Review Committee established pursuant to Section 16.2 of the Zoning Ordinance is hereby authorized to approve, conditionally approve or disapprove tentative parcel maps.
- (b) If the Site Plan Review Committee determines that the tentative parcel map complies with all of the provisions of this Article, it shall approve the map.
- (c) If the tentative parcel map fails to meet one or more requirements set forth in this Article, the Site Plan Review Committee may approve the map subject to such conditions as may be necessary to conform to such requirements.
- (d) When approving or conditionally approving a tentative parcel map, the Site Plan Review Committee shall specify the dedications and improvements to be made by the subdivider.

- (e) Within seven (7) days after the action by the Site Plan Review Committee, written notice of the action by the Committee shall be mailed to the subdivider. If the subdivider is not the owner, a copy of the written notice shall also be mailed to the owner.
- (f) Upon approval of the tentative map map by the Site Plan Review Committee, the tentative parcel map shall be so marked and all conditions of approval and required dedications and improvements clearly specified on or with the map. Copies of the approved tentative parcel map shall be filed with the Building and Planning Director, the County Health Department and the County Public Works Director. If the tentative parcel map is a vesting tentative parcel map, a copy of the approved map shall also be filed with the Board of Supervisors. (Added by Ord. No. 1495, effective 3-4-72; amended by Ord. No. 2429, effective 8-20-81; amended by Ord. No. 2524, effective 3-31-83; amended by Ord. No. 2683, effective 1-2-86.)

**WAIVER OF MINOR
ERRORS**

SECTION 7105.4a. Pursuant to section 66473 of the Government Code of the State of California, the Site Plan Review Committee shall not disapprove a tentative parcel map because of a failure to meet or perform a requirement or condition imposed by the Subdivision Map Act or this Chapter if the Committee determines that the failure of the map is a result of a technical or inadvertent error which does not, in the determination of the Committee, materially affect the validity of the map. A decision by the Committee on such a matter is subject to an appeal to the Board of Supervisors pursuant to section 7105.6 of this Article. (Added by Ord. No. 2316, effective 3-27-80; amended by Ord. No. 2429, effective 8-20-81.)

**ACTION BY SITE
PLAN REVIEW
COMMITTEE:
IMPROVEMENTS**

SECTION 7105.4b. At the time of action on the tentative parcel map, the Site Plan Review Committee shall attempt to negotiate an agreement with the subdivider for the construction of required offsite and on-site improvements pursuant to section 66411.1 and/or 66424.6 of the Government Code of the State of California. If such an agreement cannot be reached, the Site Plan Review Committee may nonetheless determine that such improvements are to be required within a reasonable time following approval of the final parcel map on the grounds specified in said sections 66411.1 and/or 66424.6. (Added by Ord. No. 2303, effective 1-17-80; amended by Ord. No. 2429, effective 8-20-81.)

**ACTION BY SITE
PLAN REVIEW COM-
MITTEE: OFFSITE
IMPROVEMENTS**

SECTION 7105.4c. When the construction of an offsite improvement or an improvement which serves or is located on more than one parcel is being deferred, the Site Plan Review Committee may require the subdivider to enter into an agreement with the County specifying that the owners of certain parcels shall construct such deferred improvement, and any other terms and conditions which are necessary to effectively carry out the deferred improvement which are

fair and equitable to the subsequent owners of the several parcels. (Added by Ord. No. 2303, effective 1-17-80; amended by Ord. No. 2429, effective 8-20-81.)

**ACTION ON VARIOUS
ENVIRONMENTAL
MATTERS AND CON-
FORMITY TO PLANS**

SECTION 7105.5. The Site Plan Review Committee is hereby assigned the responsibility to take action on a tentative parcel map on the grounds set forth in section 66473.5, 66474, 66474.01, 66474.4, and 66474.6 of the Government Code of the State of California. (Added by Ord. No. 1882, effective 1-1-76; amended by Ord. No. 2263, effective 8-7-79; amended by Ord. No. 2429, effective 8-20-81; amended by Ord. No. 2695, effective 2-27-86.)

APPEALS

SECTION 7105.6.

- (a) Except as herein provided, all appeals regarding tentative parcel maps shall be subject to the provisions of Section 115 of this Ordinance Code.
- (b) In accordance with section 66452.5 of the Government Code of the State of California, a subdivider or any other interested person adversely affected by a decision of the Site Plan Review Committee may appeal to the Board of Supervisors. Such an appeal shall be in writing and shall be filed with the Clerk of the Board of Supervisors within ten (10) calendar days after the action of the Committee from which the appeal is being taken. The action of the Committee shall be final unless such an appeal is filed within said ten (10) day period.
- (c) Upon the filing of an appeal, the Board of Supervisors shall set the matter for hearing. The hearing shall be held within thirty (30) days after the date of filing the appeal. The Clerk of the Board of Supervisors shall notify the appellant, the subdivider if he or she is not the appellant, and the Building and Planning Director of the time set for the hearing. Notice of the hearing shall also be given by the Clerk of the Board of Supervisors in the same manner as that required for hearing before the Site Plan Review Committee.
- (d) Following the conclusion of the hearing, the Board of Supervisors shall render its decision on the appeal within the time provided in Section 66452.5 of the Government Code of the State of California. The decision shall comply with the provisions of section 66473, 66473.5 and 66474 of the Government Code and shall include any findings required by such sections, and such other findings as are appropriate. The Board of Supervisors may sustain, modify, reject or overrule any rulings of the Site Plan Review Committee. (Added by Ord. No. 1495, effective 3-4-72; amended by Ord. No. 2263, effective 8-7-79; amended by Ord. No. 2429, effective 8-20-81; amended by Ord. No. 2463, effective

3-25-82; amended by Ord. No. 2545, effective 7-28-83;
amended by Ord. No. 2646, effective 2-28-85.)

**REVISIONS IN
TENTATIVE MAP**

SECTION 7105.6a. Major and minor revisions in the approved tentative map may be made pursuant to the procedure set forth in Article 4.5 (commencing with section 7068) of this Chapter. (Added by Ord. No. 2247, effective 7-5-79.)

**WAIVER OF FINAL
PARCEL MAP**

SECTION 7105.7. The requirements of this Article for the filing and approval of a final parcel map may be waived by the Site Plan Review Committee if the property to be divided comes within any of the following categories:

- (a) Any parcel or parcels of land to be divided into four (4) or less parcels, each area of ten (10) acres or more.
- (b) Any parcel or parcels of land to be divided into parcels, each of a gross area of forty (40) acres or more.
- (c) Any parcel of land which is being divided into two (2) parcels, regardless of size, when the original parcel has frontage on an existing public road and no portion of the parcel is located within the Urban Area Boundary of a city or unincorporated area as established by the Urban Boundaries Element of the General Plan.
- (d) Any parcel which is being divided for the sole purpose of conveying property to an adjoining property owner.

The subdivider may file an application for a waiver of the final parcel map with the Building and Planning Director at the time of filing the tentative map; provided, however, that in no case may an application for waiver be filed in conjunction with a vesting tentative map. The Building and Planning Director shall prescribe the form of the application for such a waiver. The application shall be accompanied by the applicable fee set forth in Article 2.5 of this Chapter to defray the expenses of processing the application. (Added by Ord. No. 1656, effective 11-15-73; amended by Ord. No. 1882, effective 1-1-76; amended by Ord. No. 2158, effective 9-28-78; amended by Ord. No. 2429, effective 8-20-81; amended by Ord. No. 2463, effective 3-25-82; amended by Ord. No. 2524, effective 3-31-83; amended by Ord. No. 2683, effective 1-2-86.)

**WAIVER OF FINAL
PARCEL MAP:
ACTION ON WAIVER**

SECTION 7105.8.

- (a) At the same time it takes action on the tentative parcel map, the Site Plan Review Committee shall also act on the application for a waiver of the requirement that a final map be filed and approved. The Site Plan Review Committee shall approve the waiver only if it finds that the proposed division of land complies with all requirements of the Subdivision Map Act and this

Chapter as to area, improvement and design, flood water drainage control, appropriate improved public roads, sanitary disposal facilities, water supply availability, environmental protection and all other requirements of State law and this Chapter with regard to a subdivision of the type proposed. In all other cases the Site Plan Review Committee shall disapprove the application for waiver. The Site Plan Review Committee shall give the applicant written notice of its action on his application for a waiver and, if the application is disapproved, advise him of the reasons for disapproval.

- (b) The waiver shall not be effective until the Site Plan Review Committee causes to be filed for record a copy of the resolution of said Committee approving the tentative parcel map and waiving the requirements for the filing and approval of a final parcel map, in accordance with section 66411.1 of the Government Code of the State of California. The resolution shall contain a legal description of each parcel shown on the tentative parcel map approved by the Committee. Said resolution shall not be recorded until the appeal period specified in section 7105.6 of this Article has expired without an appeal having been filed and, if an appeal is filed, said resolution shall not be recorded until the termination of the appeal proceedings.
- (c) Whenever property included in a tentative parcel map for which a waiver of final parcel map is requested is subject to a lien for taxes or special assessments which are not payable, the Committee Resolution identified in paragraph (b) above shall not be recorded until the owner or subdivider executes and files with the Clerk of the Board of Supervisors the same security for the payment of said taxes and special assessments as is required for final maps and parcel maps pursuant to Section 66492 and 66493 of the Government Code of the State of California. Said security shall be held, applied and released in full compliance with the procedures applicable to maps under Section 66494 of the Government Code of the State of California. (Added by Ord. No. 1656, effective 11-15-73; amended by Ord. No. 1882, effective 1-1-76; amended by Ord. No. 2158, effective 9-28-78; amended by Ord. No. 2284, effective 11-1-79; amended by Ord. No. 2429, effective 8-20-81; amended by Ord. No. 2585, effective 1-26-84.)

**WAIVER OF FINAL
PARCEL MAP:
DENIAL OF
WAIVER: APPEAL**

SECTION 7105.9. If a requested waiver of the final parcel map is disapproved by the Site Plan Review Committee, the applicant may appeal to the Board of Supervisors within the time limits and pursuant to all of the same procedures and requirements set forth in section 7105.6 of this Article.

After the hearing, the Board of Supervisors may affirm or reverse the action of the Site Plan Review Committee. (Added by Ord. No. 1656, effective 11-15-73; amended by Ord. No. 2429, effective 8-20-81.)

**TIME LIMIT ON
TENTATIVE PARCEL
MAP**

SECTION 7106.

- (a) The time limits for an approved or conditionally approved tentative parcel map shall be the same as set forth in Section 66463.5(a) of the Government Code of the State of California; provided, however, that the provisions of said section 66463.5(a), as amended by Chapter 923 of the Statutes of 1982, shall be fully applicable to any tentative parcel map which was approved or conditionally approved prior to January 1, 1982, provided that such maps have not expired before said date.
- (b) The initial time limits for the rights conferred by an approved vesting tentative parcel map as provided by Chapter 4.5 (commencing with Section 66498.1) of Division 2 of Title 7 of the Government Code of the State of California shall be the same as set forth in subsection (a) of this section for approved tentative parcel maps. This initial time limit may be extended in the manner provided for approved tentative parcel maps in Section 7106.1 of this Chapter, but in no case shall exceed one (1) year beyond the recording of a parcel map unless more time is authorized pursuant to subdivisions (g) and (h) of Section 66452.6 of the Government Code. (Former section repealed by Ord. No. 1882, effective 1-1-76. New section adopted by Ord. No. 2463, effective 3-25-82; amended by Ord. No. 2683, effective 1-2-86.)

**APPLICATION FOR
EXTENSION OF
TIME: FEES**

SECTION 7106.1. If the subdivider requests an extension of time for the expiration of an approved tentative parcel map, pursuant to section 66463.5 of the Government Code of the State of California, the applicable filing fee set forth in Article 2.5 of this Chapter shall be paid to the Building and Planning Director to defray the expenses incidental to processing the request. (Added by Ord. No. 2158, effective 9-29-78; amended by Ord. No. 2524, effective 3-31-83; amended by Ord. No. 2667, effective 9-12-85; amended by Ord. No 2684, effective 1-9-86.)

**FINAL PARCEL
MAP: FILING**

SECTION 7106.2. The final parcel map shall be prepared in accordance with the approved tentative parcel map and the Subdivision Map Act by a registered civil engineer or licensed land surveyor and shall be filed with the Public Works Director. At the time of filing the final parcel map, the applicant shall pay the applicable fee set forth in Article 2.5 of this Chapter to defray the expenses of checking the map. Within twenty (20) calendar days after receipt of the final parcel map, or within such additional

time as may be reasonably necessary, the Public Works Director shall examine it for the survey information shown thereon, and if he is satisfied that it is technically correct, he shall sign the appropriate certificate on the map. (Added by Ord. No. 1495, effective 3-4-72; amended by Ord. No. 1882, effective 1-1-76; amended by Ord. No. 2442, effective 10-15-81; amended by Ord. No. 2684, effective 1-9-86.)

WAIVER OF MINOR ERRORS

SECTION 7106.3. Pursuant to section 66473 of the Government Code of the State of California, the Public Works Director shall not disapprove a final parcel map because of a failure to meet or perform a requirement or condition imposed by the Subdivision Map Act or this Chapter if he determines that the failure of the map is a result of a technical and inadvertent error which does not, in his determination, materially affect the validity of the final parcel map. (Added by Ord. No. 2316, effective 3-27-80.)

FIELD SURVEY

SECTION 7106.4. When the parcel map has not been waived pursuant to section 7105.7 of this Article, the parcel map shall be based on a field survey of the land conducted in accordance with the Land Surveyor's Act of the State of California, except for a designated remainder parcel which is exempted from such survey requirements by section 66445 of the Government Code of the State of California. (Added by Ord. No. 1495, effective 3-4-72; amended by Ord. No. 1882, effective 1-1-76; amended by Ord. No. 2316, effective 3-27-80.)

MONUMENTS

SECTION 7106.5. Monuments for the property included in the final parcel map shall be set in accordance with section 7074 of this Chapter and sections 66495-66498 of the Government Code of the State of California. (Added by Ord. No. 2316, effective 3-27-80.)

FORM OF FINAL MAP

SECTION 7106.6. (Added by Ord. No. 1495, effective 3-4-72; repealed by Ord. No. 1882, effective 1-1-76.)

INFORMATION ON FINAL PARCEL MAP

SECTION 7107. In addition to providing the information required by State law, the final parcel map shall contain the following information:

- (a) Each parcel shall be consecutively numbered.
- (b) Each parcel shall have its area shown to the nearest one-hundredth (0.01) of an acre.
- (c) The exterior boundary of the land included within the new parcel or parcels being created shall be indicated by a blue colored border one-eighth (1/8) of an inch in width.
- (d) The parcel map number and name, if any, and date of preparation.

- (e) The net dimensions of each lot. No ditto marks shall be used.
- (f) The names, locations and right of way widths of all abutting public streets.
- (g) The proposed location, purpose and width of all proposed public roads and private access easements.
- (h) The boundaries of any private easement, whether an easement of record or a prescriptive easement, shall be shown by means of a dotted line and the name of the person owning the easement shall be shown on the map.
- (i) Location and width of easements for public utilities, if required.
- (j) The location and widths of easements for drainage facilities and watercourses, if required.
- (k) A north point and graphic scale.
- (l) Location or vicinity map at a minimum scale of one (1) inch equals one (1) mile.
- (m) Names and addresses of the owners of the property being divided.
- (n) A notation of reference to the additional information required in Section 7107.2 of this Article.
- (o) Any additional information which, in the judgment of the body which took final action of the tentative parcel map, affects record title interests shall be shown on the final parcel map. (Former section amended by Ord. No. 1334, effective 9-18-69; repealed by Ord. No. 1495, effective 3-4-72; amended by Ord. No. 1882, effective 1-1-76; amended by Ord. No. 2303, effective 1-17-80; amended by Ord. No. 2758, effective 2-12-87.)

**FINAL PARCEL MAP:
CONSENT BY OWNERS**

SECTION 7107.1. Subsection (f) of section 66445 of the Government Code of the State of California allows the subdivider to execute a certificate consenting to the preparation and recordation of a final parcel map under certain circumstances. In such a case, if the subdivider does not have record title ownership interest in the property, the subdivider shall provide the Public Works Director with satisfactory evidence that the persons with record title ownership have consented to the proposed division of land. (Added by Ord. No. 2463, effective 3-25-82.)

**FINAL PARCEL MAP:
CERTIFICATES**

SECTION 7107.2 (Added by Ord. No. 1495, effective 3-4-72; amended by Ord. No. 1882, effective 11-1-76; repealed by Ord. No. 2316, effective 3-27-80.)

**FINAL PARCEL MAP:
ADDITIONAL
INFORMATION**

SECTION 7107.2. In accordance with Section 66434.2 of the Government Code, the following information shall be filed or recorded simultaneously with the final parcel map. The additional information shall be in the form of a separate document or an additional map sheet which shall indicate its relationship to the final parcel map, and shall contain a statement that the additional information is for informational purposes, describing conditions as of the date of filing, and is not intended to affect record title interest. The document or additional map sheet may also contain a notation that the additional information is derived from public records or reports, and does not imply the correctness or sufficiency of those records or reports by the preparer of the document or additional map sheet.

- (a) Locations and widths of drainage channels, watercourses, selected flood lines and proposed flood control works.
- (b) Building setback lines, if required by the body which took final action on the tentative parcel map.
- (c) If a final geological-hydrological report and/or a soil investigation report has been prepared, this fact shall be noted, together with the date of the report, the name of the registered civil engineer or geologist making the report, and the location where the report is on file.
- (d) Any additional information which was required to be filed or recorded with the final parcel map by the body which took final action on the tentative parcel map and which does not affect record title interests. (Added by Ord. No. 2758, effective 2-12-87.)

**PARCEL MAP
DEDICATIONS,
CONVEYANCES AND
PUBLIC UTILITY
EASEMENTS**

SECTION 7107.4.

- (a) All parcels of land shown on the final map as intended for public use shall be offered for dedication for public use at the time the final parcel map is submitted to the Public Works Director except those parcels which are intended for the exclusive use of lot owners in the subdivision, their licensees, visitors, tenants and servants.
- (b) All streets, alleys, pedestrianways, drainage channels, flood control works, easements and other rights of way shown on the final parcel map as intended for public use, except easements for those public utilities regulated by the Public Utilities Commission of the State of California, shall be offered for dedication for public use at the time the final parcel map is submitted to the Public Works Director.

- (c) All rights of access to and from streets, lots and parcels of land shown on the final parcel map which are intended to be surrendered shall be offered for dedication at the time the final parcel map is submitted to the Public Works Director. (Added by Ord. No. 1495, effective 3-4-72; amended by Ord. No. 1882, effective 1-1-76.)

FORMS OF DEDICATION

SECTION 7107.6. When the owner has been required by the Site Plan Review Committee to dedicate or to offer to dedicate property to the County, or the owner desires to make dedications which have not been required, such dedications and offers to dedicate shall ordinarily be made by a certificate on the final parcel map. If the Public Works Director determines that because of the length of the dedication or offer to dedicate, or for other good and sufficient reason, that the dedication or offer to dedicate may be made by a separate instrument accompanying the parcel map, the owner may provide the separate instrument. An offer to dedicate shall be in a form approved by the County Counsel and shall be in such terms as to be binding on the owner, his heirs, assigns or successors in interest, and said offer of dedication shall continue until it has been accepted or rejected. When the owner is required to make improvements on property to be dedicated to the County, the dedication shall be deemed to be completed only upon the satisfactory completion of such improvements and acceptance of the improvements by the Board of Supervisors. (Added by Ord. No. 1495, effective 3-4-72; amended by Ord. No. 1882, effective 1-1-76; amended by Ord. No. 2316, effective 3-27-80; amended by Ord. No. 2429, effective 8-20-81.)

ACCEPTANCE OF DEDICATIONS

SECTION 7107.7. Pursuant to section 66463 of the Government Code of the State of California, the Public Works Director is hereby authorized to accept or reject dedications and offers of dedication that are made by certificate on the final parcel map. He shall execute a certificate on the final parcel map stating his action. (Added by Ord. No. 2316, effective 3-27-80.)

FEE: PLAN CHECKING AND INSPECTION

SECTION 7107.8.

- (a) The subdivider shall pay the applicable fee set forth in Article 2.5 of this Chapter to cover the expense to the County of checking the plans for all improvements required by the County pursuant to this Article and the expense of inspecting the construction of such improvements. The fee shall be based on the estimated total cost of constructing such improvements.
- (b) Said fee shall be paid to the Public Works Director at the time of filing the final parcel map for approval. The estimate of the cost shall be made by the Public Works Director based upon the current cost of similar work performed within the general area where the improvements are to be constructed. If the parcel map

is withdrawn or a reversion to acreage map is recorded, the unexpended portion of said fee shall be refunded upon receipt by the Public Works Director of a written application from the subdivider. (Added by Ord. No. 1882, effective 1-1-76; amended by Ord. No. 2684, effective 1-9-86.)

**IMPROVEMENTS,
AGREEMENT AND
SECURITY**

SECTION 7108. If the required improvements, including construction of private easements for vehicular access, have not been completed at the time when the final parcel map is submitted to the Public Works Director, the final parcel map shall not be approved until the subdivider has entered into an agreement with the Board of Supervisors to complete all of the said improvements if:

- (a) The subdivider has agreed with the Site Plan Review Committee that he will enter into an agreement with the County to construct said improvements, as specified in section 7105.4B of this Article, or
- (b) The Site Plan Review Committee has determined that construction of such improvements is to be required within a reasonable time following approval of the final parcel map, as specified in section 7105.4B of this Article and sections 66411.1 and/or 66424.6 of the Government Code of the State of California.

Said agreement shall be subject to all of the provisions of this Chapter governing such agreements for other subdivisions. In addition, the subdivider shall provide security to guarantee to the County the completion of said improvements and said security shall be in the same form, and subject to all of the same conditions, restrictions and other provisions applicable to the similar security required for other subdivisions under this Chapter. (Former section repealed by Ord. No. 1495, effective 3-4-72. New section added by Ord. No. 1495, effective 3-4-72; amended by Ord. No. 1882, effective 1-1-76; amended by Ord. No. 2303, effective 1-17-80; amended by Ord. No. 2429, effective 8-20-81.)

**IMPROVEMENTS,
AGREEMENT AND
SECURITY:
EXECUTION BY
PUBLIC WORKS
DIRECTOR**

SECTION 7108.1. The Board of Supervisors may, by resolution, authorize the Public Works Director and duly authorized employees in his office, to execute, on behalf of the County, the agreement for improvements referred to in section 7108 of this Article. The Board of Supervisors shall approve a form agreement which the Public Works Director shall use for this purpose. (Added by Ord. No. 2316, effective 3-27-80.)

**DEFERRING CON-
STRUCTION OF
IMPROVEMENTS**

SECTION 7108.2. When the subdivider is not required, and is not willing, to enter into an agreement for the construction of improvements pursuant to section 7108 of this Article and sections 66411.1 and/or 66424.6 of the Government Code of the State of California, the construction of said improvements will be deferred and section 7455 et seq.

of this Ordinance Code shall govern the construction of said improvements at a later date. Any agreement entered into pursuant to section 7105.4C of this Article shall also govern such construction of deferred improvements. (Added by Ord. No. 2303, effective 1-17-80.)

**DEPOSIT OF COST
OF WORK**

SECTION 7109. When the Site Plan Review Committee has determined that it is not feasible for the subdivider to perform the required improvements within a reasonable time after the approval of the final parcel map, the subdivider and the County may enter into an agreement providing that the subdivider shall make a deposit of money with the County to pay the cost of the work. The Public Works Director shall determine the estimated cost to the applicant of performing the work. When a deposit has been made pursuant to this section, the subdivider shall have no further duties or liabilities in connection with the construction of such improvements. Such a deposit shall be held by the County solely for the performance of the agreed work and if said work has not been completed within five (5) years after the date of execution of the agreement by the Board of Supervisors, the County shall return the money deposited by the subdivider, without interest, to the subdivider, his heirs or assigns. If the territory in which the improvement is to be constructed is annexed to a city prior to the construction of the improvement, the County may offer to transfer to such city all funds theretofore deposited with the County. Any funds so transferred to the city shall be held by the city solely for the performance of the agreed work and shall be returned to the subdivider, his heirs or assigns, if the work has not been performed within said five (5) year period. (Former section repealed by Ord. No. 1495, effective 3-4-72. New section added by Ord. No. 1495, effective 3-4-72; amended by Ord. No. 1882, effective 1-1-76; amended by Ord. No. 2006, effective 4-14-77; amended by Ord. No. 2303, effective 1-17-80; amended by Ord. No. 2429, effective 8-20-81.)

**TAXES AND
ASSESSMENTS**

SECTION 7109.5. (Added by Ord. No. 2284, effective 11-1-79; amended by Ord. No. 2316; however, Section 17 of Ord. No. 2316 was repealed by Section 3 of Ord. No. 2321, effective 3-25-80; amended by Ord. No. 2321, effective 3-25-80; repealed by Ord. No. 2585, effective 1-26-84.)

**APPROVAL OF MAPS:
RECORDING**

SECTION 7110. When all certificates have been executed, and all other requirements of the Subdivision Map Act and this Article complied with, the Public Works Director shall transmit the final parcel map to the County Recorder for filing in accordance with the Subdivision Map Act. (Former section repealed by Ord. No. 1495, effective 3-4-72: New section added by Ord. No. 1495, effective 3-4-72; amended by Ord. No. 1882, effective 1-1-76; amended by Ord. No. 2316, effective 3-27-80.)

APPEAL TO
PLANNING
COMMISSION

SECTION 7111. (Repealed by Ord. No. 1334, effective 9-18-69.)

APPEAL

SECTION 7112. (Amended by Ord. No. 1334, effective 9-18-69; repealed by Ord. No. 1495, effective 3-4-72.)

AUTOMATIC
REVOCATION

SECTION 7113. (Repealed by Ord. No. 1495, effective 3-4-72.)

ARTICLE 7.5. LOT LINE ADJUSTMENT

PURPOSE

SECTION 7112. Section 66412 of the Government Code of the State of California provides that lot line adjustments are excluded from the requirements of the Subdivision Map Act when they have been approved by the local agency or advisory agency. The purpose of this Article is to provide a procedure for granting such approval. (Original section amended by Ord. No. 1334, effective 9-18-69; repealed by Ord. No. 1495, effective 3-4-72. New section added by Ord. No. 2370, effective 9-25-80.)

ALTERNATIVE PROCEDURES

SECTION 7112.1. Nothing in this Article is intended to prohibit a subdivider from proposing lot line adjustments in conjunction with a subdivision of land which is being proposed by means of a final map or parcel map. In addition, an applicant may follow the parcel map procedures set forth in Article 7 (commencing with section 7100) of this Chapter to accomplish a lot line adjustment as an alternative to following the procedures in this Article. (Added by Ord. No. 2370, effective 9-25-80.)

LOT LINE ADJUSTMENT: DEFINITION

SECTION 7112.3. "Lot line adjustment," as used in this Article, means the division of two (2) or more existing adjacent parcels for the purpose of conveying land from one (1) or more parcels to one (1) or more adjacent parcels, where a greater number of parcels than originally existed is not thereby created. (Added by Ord. No. 2370, effective 9-25-80.)

LOT LINE ADJUSTMENT MAP: FEES, DISTRIBUTION

SECTION 7112.5.

- (a) A lot line adjustment map as described in section 7112.7 of this Article is required for all lot line adjustments.
- (b) The applicant for a lot line adjustment shall deliver to the Building and Planning Director eight (8) copies of a lot line adjustment map on which the proposed lot line adjustment is shown.
- (c) At the time of delivering the lot line adjustment map, the applicant shall pay to the Building and Planning Director the applicable filing fee set forth in Article 2.5 of this Chapter to defray the expenses incidental to processing the map.
- (d) The lot line adjustment map shall not be deemed to be filed until the Building and Planning Director has made the review authorized by section 65943 of the Government Code of the State of California and has determined whether the map and accompanying documents are complete. When the Building and Planning Director has determined that said map and documents are complete, and has transmitted the written notice that the

map and documents are complete, or when the thirty (30) day period has expired, all as set forth in said section 65943, the lot line adjustment map shall be deemed to be filed. If the Building and Planning Director notifies the applicant that the map and documents are not complete, the map shall not be deemed to be filed until the Building and Planning Director determines that all information required by the notice has been provided by the applicant.

- (e) Within five (5) days after the delivery of the lot line adjustment map, the Building and Planning Director shall submit copies of the lot line adjustment map and accompanying documents to the Public Works Director, the County Health Department, the County Fire Warden and to each of the public utilities affected, together with a request for recommendations on the proposed lot line adjustment. The Building and Planning Director may also transmit copies of the lot line adjustment map and accompanying documents to water districts, irrigation districts, community services districts, and other public and private agencies affected by the proposed lot line adjustment, together with requests for recommendations on the proposed lot line adjustment. (Added by Ord. No. 2370, effective 9-25-80; amended by Ord. No. 2524, effective 3-31-83; amended by Ord. No. 2590, effective 3-15-84; amended by Ord. No. 2667, effective 9-12-85; amended by Ord. No. 2684, effective 1-9-86.)

**LOT LINE ADJUST-
MENT MAP:
REQUIREMENTS**

SECTION 7112.7. The lot line adjustment map shall be on paper eight and one-half (8-1/2) by eleven (11) inches or eighteen (18) by twenty-six (26) inches. The lot line adjustment map shall be legibly drawn in pencil or ink and shall use a decimal or an engineer's scale adequate and appropriate for the map. The lot line adjustment map shall clearly show the following information:

- (a) The boundary lines of the original parcels, with dimensions. Such information shall be based on existing survey or other record data.
- (b) The proposed division lines with dimensions and the net area of each lot to be created by such lot line adjustment.
- (c) All existing surface and underground structures and improvements located on the original parcels within fifty (50) feet of the boundary of each unit of land to be transferred or conveyed between adjoining lots or parcels.
- (d) The names, locations and widths of all abutting streets.

- (e) The location, purpose and width of all existing and proposed streets and easements affected by or in close proximity to the land to be conveyed between adjoining lots.
- (f) The existing and proposed use of the property to be divided.
- (g) The existing and/or proposed water supply.
- (h) The existing and/or proposed method of sewage disposal.
- (i) A description of all the property involved in the lot line adjustment sufficient to identify it on the County Assessor's Maps, including the section, township and range in which the property is located.
- (j) Such other information as the Building and Planning Director determines is necessary for him to properly consider the proposed lot line adjustment. (Added by Ord. No. 2370, effective 9-25-80; amended by Ord. No. 2524, effective 3-31-83.)

**INFORMATION TO
ACCOMPANY MAP**

SECTION 7112.9. The lot line adjustment map shall be accompanied by the following information:

- (a) Legal descriptions of each adjusted parcel shown on the lot line adjustment map.
- (b) A certificate signed by the legal owner or owners or an authorized agent stating that a lot line adjustment is requested and certifying that the information shown on the map is true and correct. If the certificate is signed by an agent of the legal owner, such agent shall submit written authorization from the owner to file the map. (Added by Ord. No. 2370, effective 9-25-80.)

**DEDICATIONS AND
IMPROVEMENTS**

SECTION 7113.

- (a) In his review of lot line adjustment maps, the Building and Planning Director shall comply with the general principle that dedications and improvements required in this Chapter for subdivisions involving tentative and final maps or parcel maps are not applicable to lot line adjustments unless the proposed lot line adjustment will result in increased traffic, demands for additional water, sewage disposal or storm water drainage, or other impacts necessitating improvements and dedications for the protection of the public health, safety, convenience or general welfare.

- (b) Whenever the Building and Planning Director determines that dedications and/or improvements may be necessary in order to carry out the provisions of section 7113.1 of this Article, he shall immediately refer the lot line adjustment map to the Site Plan Review Committee. The Site Plan Review Committee shall review the map and determine what dedications and improvements, if any, should be made by the applicant. The Site Plan Review Committee shall not require any dedications or improvements beyond those required for parcel maps in Article 7 (commencing with section 7100) of this Chapter. The Site Plan Review Committee shall thereafter advise the Building and Planning Director what dedications and improvements are to be required. If the Site Plan Review Committee determines that improvements are required, the Committee shall determine at what time such improvements are to be constructed under the same provisions of this Chapter as apply to parcel maps. Agreements for the constructing such improvements, security for such agreements and all other matters pertaining to such improvements shall also be governed by the same provisions of this Chapter as apply to parcel maps.
- (c) Regardless of the foregoing provisions, no dedication or improvement shall be required except to conform to the applicable zoning or building code regulations effective in the area, or to facilitate the relocation of existing utilities, infrastructure or easements. (Original section repealed by Ord. No. 1495, effective 3-4-72. New section added by Ord. No. 2370, effective 9-25-80; amended by Ord. No. 2429, effective 8-20-81; amended by Ord. No. 2524, effective 3-31-83; amended by Ord. No. 2758, effective 2-12-87.)

**BASIS FOR
APPROVAL**

SECTION 7113.1. The Building and Planning Director shall approve the proposed lot line adjustment whenever it can be shown that the lots which will result from the proposed lot line adjustment conform to all the applicable zoning and building code regulations in effect in the area. (Added by Ord. No. 2370, effective 9-25-80; amended by Ord. No. 2524, effective 3-31-83; amended by Ord. No. 2758, effective 2-12-87.)

DISAPPROVAL

SECTION 7113.3. In addition to any other basis for disapproval, the Building and Planning Director may disapprove a lot line adjustment if he or she determines that there is no real relationship between the existing parcels and the proposed new parcels and that the proposal is more adequately processed as a merger and resubdivision pursuant to section 66499.20-1/2 of the Government Code of the State of California. (Added by Ord. No. 2370, effective 9-25-80; amended by Ord. No. 2534, effective 5-19-83.)

**ACTION BY BUILD-
ING AND PLANNING
DIRECTOR**

SECTION 7113.5.

- (a) The Building and Planning Director shall review the proposed lot line adjustment map and, within fifteen (15) days after the lot line adjustment map was filed, approve, conditionally approve, or disapprove the lot line adjustment map. However, if the lot line adjustment map is referred to the Site Plan Review Committee, pursuant to section 7113 of this Article, the Building and Planning Director shall have thirty (30) days after the map was filed to take such action. The date of filing a lot line adjustment map shall be determined in accordance with section 7112.5 of this Article. Said time limits may be extended by mutual consent of the Building and Planning Director and the applicant.
- (b) The Building and Planning Director shall give written notice of his action to the applicant and to the affected County departments and to each public and private agency to which a copy of the lot line adjustment map was transmitted. (Added by Ord. No. 2370, effective 9-25-80; amended by Ord. No. 2429, effective 8-20-81; amended by Ord. No. 2524, effective 3-31-83.)

**RECORDING
DECISIONS ON
LOT LINE
ADJUSTMENTS**

SECTION 7113.7.

- (a) If the Building and Planning Director approves the lot line adjustment map, the written decision of the Building and Planning Director approving the adjustment shall be filed for record with the County Recorder. Such decision shall contain a legal description of each parcel resulting from the lot line adjustment.
- (b) The lot line adjustment shall not be effective until the decision of the Building and Planning Director approving the map has been recorded as set forth in subsection (a) of this Section. Said decision shall not be recorded until the appeal period specified in section 7113.8 of this Article has expired without an appeal having been filed or until the applicant waives his right to appeal, whichever occurs first. If an appeal is filed, said decision shall not be recorded until the termination of the appeal proceedings.
- (c) If dedications or improvements are required by the Site Plan Review Committee, the decision of the Building and Planning Director shall not be recorded until the required dedications have been made, and if required by the Site Plan Review Committee, an agreement with security is on file for constructing such improvements.

- (d) If a lot line adjustment covers property owned by two or more different persons, the decision of the Building and Planning Director approving the lot line adjustment shall be recorded simultaneously with the recording of the deeds which are necessary to make the conveyances which the approved map allows.
- (e) The recording of the decision of the Building and Planning Director shall supersede all prior recorded parcel maps, subdivision maps or other documents which create the superseded parcels and the boundaries created by the decision of the Building and Planning Director shall prevail over the earlier recorded boundaries, and the recorded decision of the Building and Planning Director shall so state. (Added by Ord. No. 2370, effective 9-25-80; amended by Ord. No. 2429, effective 8-20-81; amended by Ord. No. 2524, effective 3-31-83.)

APPEALS

SECTION 7113.8. After the action by the Building and Planning Director on the lot line adjustment map, the applicant may appeal to the Board of Supervisors within the time limits and pursuant to all the same procedures and requirements which are set forth for tentative parcel maps in section 7105.6 of this Chapter. In the case of such an appeal, the Building and Planning Director shall perform all of the duties set forth for the Site Plan Review Committee under said section 7105.6. (Added by Ord. No. 2370, effective 9-25-80; amended by Ord. No. 2429, effective 8-20-81; amended by Ord. No. 2524, effective 3-31-83.)

EXCEPTIONS

SECTION 7113.9. The procedure set forth in Article 8 (commencing with section 7115) of this Chapter pertaining to exceptions shall apply to lot line adjustments. Insofar as possible, the procedure applicable to exceptions for parcel maps shall be applicable to lot line adjustments. However, the Building and Planning Director, rather than the Site Plan Review Committee, shall carry out the required duties in connection with such exceptions and public hearings shall not be held in connection with said exceptions. (Added by Ord. No. 2370, effective 9-25-80; amended by Ord. No. 2429, effective 8-20-81; amended by Ord. No. 2524, effective 3-31-83.)

ARTICLE 8. EXCEPTIONS

EXCEPTIONS AUTHORIZED

SECTION 7115. Exceptions and conditional exceptions to any of the requirements prescribed by this Chapter, including the improvement standards referred to in section 7080, may be granted pursuant to this Article. (Amended by Ord. No. 1334, effective 9-18-69; amended by Ord. No. 1882, effective 1-1-76.)

APPLICATION: FEES

SECTION 7116. An application for an exception shall be filed with the Building and Planning Director by the subdivider or successor in interest. The Building and Planning Director shall prescribe the form of application for exceptions. The application shall state fully the grounds for the exception, the facts relied upon and any other data pertinent to the findings prerequisite to the granting of an exception as set forth in section 7117.3. The application shall be filed with the Building and Planning Director at the same time that the tentative subdivision map or the tentative parcel map is filed with him. At the time of filing the application, the applicant shall agree in writing to an extension of the time limit for action on the tentative subdivision map by the Planning Commission, at the option of the Commission, or by the Site Plan Review Committee in the case of a tentative parcel map. When the application for an exception is filed, the applicant shall pay the applicable filing fee set forth in Article 2.5 of this Chapter to the Building and Planning Director to defray the expenses of processing the application. No part of said fee shall be returned if the applicant subsequently withdraws his application, except in accordance with section 107 of this Ordinance Code. The fee prescribed above shall cover all of the exceptions requested for any one map, regardless of the number of exceptions requested. (Amended by Ord. No. 1334, effective 9-18-69; amended by Ord. No. 1495, effective 3-4-72; amended by Ord. No. 1882, effective 1-1-76; amended by Ord. No. 2158, effective 9-28-78; amended by Ord. No. 2429, effective 8-20-81; amended by Ord. No. 2447, effective 6-24-82; amended by Ord. No. 2524, effective 3-31-83; amended by Ord. No. 2590, effective 3-15-84; amended by Ord. No. 2667, effective 9-12-85; amended by Ord. No. 2684, effective 1-9-86.)

APPLICATION AFTER APPROVAL OF TENTATIVE OR FINAL MAP: ADDI- TIONAL FEES

SECTION 7116.5. If the subdivider or his successor in interest does not become aware of the need for an exception until after the tentative subdivision map or tentative parcel map has been approved, until after the final subdivision or parcel map has been approved, or until after a final parcel map has been waived, he may apply for an exception at such time. Such application shall be processed in accordance with the provisions of this Article insofar as they are applicable. Except as provided in section 7116.6 of this Article, an application for an exception shall not be filed after any individual lot included in the final subdivision or parcel map has been sold or committed

for sale. When the subdivider or his successor in interest applies for an exception after the final subdivision or parcel map has been approved, or after a final parcel map has been waived, the applicable filing fee set forth in Article 2.5 of this Chapter shall be paid to the Building and Planning Director. (Added by Ord. No. 1882, effective 1-1-76; amended by Ord. No. 2267, effective 9-20-79; amended by Ord. No. 2304, effective 1-17-80; amended by Ord. No. 2463, effective 3-25-82; amended by Ord. No. 2447, effective 6-24-82; amended by Ord. No. 2524, effective 3-31-83; amended by Ord. No. 2667, effective 9-12-85; amended by Ord. No. 2684, effective 1-9-86.)

APPLICATION AFTER SECTION 7116.6.

APPROVAL OF TENTATIVE OR FINAL MAP: APPLICATION AFTER LOTS HAVE BEEN SOLD

- (a) If a subdivider or his successor in interest wishes to apply for an exception after one or more lots included in the recorded subdivision map or parcel map have been sold, or a commitment has been made to sell one or more lots, he must first apply to the Board of Supervisors for permission to apply for an exception. The Board shall consider the request and determine whether to grant the request, with or without conditions, or deny the request. In deciding whether to grant such permission the Board shall, among other considerations, give consideration to whether it is advisable to grant such permission in view of the fact that lot owners may have acquired rights with regard to the subdivision or parcel map which could be affected by granting an exception. If the Board of Supervisors grants permission to apply for an exception, this shall in no way imply that the desired exception will eventually be granted.
- (b) If the Board grants permission to apply for an exception, the subdivider or his successor in interest shall thereafter file an application for an exception and pay the fees prescribed in section 7116.5 of this Article and the application shall be processed in accordance with the procedure specified in said section 7116.5. However, in addition to the published notice of hearing, said notice shall also be mailed to each person who has purchased a lot or has a commitment to purchase a lot, if a hearing is required under said procedure. (Added by Ord. No. 2304, effective 1-17-80; amended by Ord. No. 2463, effective 3-25-82; amended by Ord. No. 2447, effective 6-24-82.)

REFERRALS

SECTION 7117. The Building and Planning Director shall transmit copies of the application for an exception to the Public Works Director and the County Health Department, and to each public and private agency to which the tentative subdivision map or tentative parcel map is, or was, referred and request recommendations on the proposed exception. Prior to the date set for consideration of the proposed exception the Public Works Director and County Health

Department shall submit to the Building and Planning Director written reports of their recommendations regarding the proposed exception. (Amended by Ord. No. 1334, effective 9-18-69; amended by Ord. No. 1882, effective 1-1-76; amended by Ord. No. 2524, effective 3-31-83.)

REQUIREMENTS FOR GRANTING EXCEPTIONS

SECTION 7117.3. The body which takes final action on an application for an exception shall only grant an exception if it finds that all of the following circumstances exist:

- (a) That there are special circumstances or conditions affecting the property.
- (b) That the exception is appropriate for the proper design and/or function of the subdivision.
- (c) That the granting of the exception will not be detrimental to the public welfare or injurious to other property in the area in which the property is situated.
- (d) That the granting of the exception is in accordance with the purposes prescribed in Article 1 of this Chapter and the Subdivision Map Act.
- (e) That the granting of the exception is consistent with the General Plan.

Any exception may be granted subject to any reasonable conditions which are deemed necessary to effectuate the purposes of this Chapter. (Added by Ord. No. 1882, effective 1-1-76.)

TENTATIVE SUB- DIVISION MAP: ACTION ON EXCEPTIONS

SECTION 7117.5.

- (a) In those cases in which the Planning Commission takes final action on the tentative subdivision map, pursuant to section 7064 of this Chapter, the Planning Commission shall approve, conditionally approve or disapprove the application for an exception. In those cases in which the Planning Commission only acts in an advisory capacity to the Board of Supervisors on the tentative subdivision map, the Planning Commission shall also act in an advisory capacity on the application for an exception and the Board of Supervisors shall approve, conditionally approve or disapprove the application for an exception.
- (b) If the application for an exception is filed prior to approval of the tentative subdivision map, the Planning Commission shall consider the exception during the public hearing at which it considers the tentative subdivision map.

- (c) If the tentative subdivision map has already been approved prior to action on the application for an exception, but the final subdivision map has not been recorded, and an application for a major revision is required, the application for an exception shall be processed, and a hearing held, in conjunction with an application for a major revision of the tentative map pursuant to Article 4.5 (commencing with section 7068) of this Chapter. If a major revision of the tentative subdivision map is not required, the application for exception shall be processed in accordance with the procedures set forth in subsection (d) of this section.
- (d) If the final subdivision map has been recorded, an application for an exception shall not be acted upon until a public hearing has been held by the Planning Commission on the application. At least ten (10) days prior to the hearing, the Planning Director shall publish notice of such hearing in accordance with the provisions of section 66451.3 of the Government Code of the State of California. Said notice shall also generally describe the exception applied for. Regardless of the foregoing, the Building and Planning Director may waive the requirements for such a notice and public hearing if he determines that approval of the exception will not significantly or substantially affect the property rights of owners of property adjacent to the subdivision or of persons who have purchased individual lots within the subdivision or of persons who have made commitments to purchase lots within the subdivision. (Added by Ord. No. 1405, effective 11-12-70; amended by Ord. No. 1882, effective 1-1-76; amended by Ord. No. 2263, effective 8-7-79; amended by Ord. No. 2316, effective 3-27-80; amended by Ord. No. 2463, effective 3-25-82.)

**SUBDIVISIONS:
REQUIREMENTS FOR
GRANTING
EXCEPTIONS**

SECTION 7118. (Amended by Ord. No. 1334, effective 9-18-69; amended by Ord. No. 1405, effective 11-12-70; repealed by Ord. No. 1882, effective 1-1-76.)

**SUBDIVISIONS:
APPEAL**

SECTION 7119. (Amended by Ord. No. 1334, effective 9-18-69; amended by Ord. No. 1405, effective 11-12-70; repealed by Ord. No. 1882, effective 1-1-76.)

**PARCEL MAP:
ACTION ON
EXCEPTIONS**

SECTION 7120.

- (a) The Site Plan Review Committee shall approve, conditionally approve or disapprove the application for an exception pertaining to a parcel map.

- (b) If the application for an exception is filed prior to approval of the tentative parcel map, the Site Plan Review Committee shall consider the exception during the public hearing at which it considers the tentative parcel map.
- (c) If the tentative parcel map has already been approved prior to action on the application for an exception, but the final parcel map has not been recorded, and an application for a major revision is required, the application for an exception shall be processed, and a hearing held, in conjunction with an application for a major revision of the tentative parcel map pursuant to Article 4.5 (commencing with Section 7068) of this Chapter. If a major revision of the tentative parcel map is not required, the application for exception shall be processed in accordance with the procedures set forth in subsection (d) of this section.
- (d) If the final parcel map has been recorded or waived, an application for an exception shall not be acted upon until a public hearing has been held by the Site Plan Review Committee on the application. At least ten (10) days prior to the hearing, the Building and Planning Director shall publish notice of such hearing in accordance with the provisions of section 66451.3 of the Government Code of the State of California. Said notice shall also generally describe the exception applied for. Regardless of the foregoing, the Building and Planning Director may waive the requirements for such a notice and public hearing if he determines that approval of the exception will not significantly or substantially affect the property rights of owners of property adjacent to the parcel map or of persons who have purchased individual lots shown on the parcel map or of persons who have made commitments to purchase lots shown on the parcel map. (Added by Ord. No. 1334, effective 9-18-69; amended by Ord. No. 1495, effective 3-4-72; amended by Ord. No. 1882, effective 1-1-76; amended by Ord. No. 2263, effective 8-7-79; amended by Ord. No. 2316, effective 3-27-80; amended by Ord. No. 2429, effective 8-20-81; amended by Ord. No. 2463, effective 3-25-82; amended by Ord. No. 2524, effective 3-31-83.)

APPEALS

SECTION 7120.2.

- (a) When the Planning Commission has taken final action on the application for an exception, in accordance with the provisions of section 7117.5 of this Article, any interested person may appeal to the Board of Supervisors pursuant to the procedure and within the time limits set forth in section 7066.5 of this Chapter.

- (b) When the Site Plan Review Committee has acted on an application for an exception, in accordance with the provisions of section 7120 of this Article, any interested person may appeal to the Board of Supervisors pursuant to the procedures and within the time limits set forth in section 7105.6 of this Chapter. (Added by Ord. No. 1983, effective 1-1-77; amended by Ord. No. 2263, effective 8-7-79; amended by Ord. No. 2429, effective 8-20-81.)

ARTICLE 8.2. MERGER

(Added by Ord. No. 1983, effective 1-1-77.)

NO AUTOMATIC MERGER

SECTION 7121. Except as otherwise provided in this Article, two or more contiguous parcels or units of land which have been subdivided under the provision of the Subdivision Map Act or any prior law regulating the division of land or any ordinance enacted pursuant thereto shall not merge by virtue of the fact that such contiguous parcels or units are held by the same owner, and no further proceedings under the Subdivision Map Act or this Chapter shall be required for the purpose of sale, lease or financing of such contiguous parcels or units or any of them. Pursuant to the authority granted by section 66424.2 of the Government Code of the State of California, contiguous parcels or units that would otherwise merge under said section 66424.2 shall be exempt from merger unless proceedings are taken pursuant to this Article to merge such parcels or units. (Former section added by Ord. No. 1334, effective 9-18-69; amended by Ord. No. 1495, effective 3-4-72; amended by Ord. No. 1882, effective 1-1-76; repealed by Ord. No. 1983, effective 1-1-77. New section added by Ord. No. 1983, effective 1-1-77.)

NO AUTOMATIC MERGER: LOT SPLITS

SECTION 7121.1. The provisions of section 7121 above which provide that there shall be no automatic merger of parcels or units of land shall also apply to parcels created under the former Ordinance Code procedure for creating lot splits if the owner of the property subject to the lot split conveyed such parcels within the time limits set forth in said ordinance for final completion of the lot split. Also, if subsequent to such a conveyance, one person acquired or hereafter acquires title to two or more contiguous parcels created by such a lot split, the provisions of section 7121 which prevent merger shall be applicable. However, the provisions of section 7121.2 through 7121.7 of this Article which provide for merger after notice and hearing shall be applicable to such lot splits. (Added by Ord. No. 1983, effective 1-1-77.)

PROCEEDINGS FOR MERGER OF PARCELS OR UNITS OF LAND

SECTION 7121.2. The Board of Supervisors, either on its own motion, or upon request by a landowner, may institute proceedings to merge parcels or units of land subject to merger under section 66424.2 of the Government Code of the State of California by giving at least thirty (30) days written notice to the owner of the parcels or units affected by the proposed merger of its intent to record a notice of merger and of the time, date and place of a hearing on the proposed merger. The owner and other interested parties may present evidence to the Board of Supervisors at the hearing why such a notice should or should not be recorded. (Added by Ord. No. 1983, effective 1-1-77.)

**GROUND FOR
MERGER: CON-
DITIONS IN LIEU
OF MERGER**

SECTION 7121.4. If the Board of Supervisors, after a hearing, by a four-fifths (4/5) vote determines that the parcels or units of land in question are subject to merger under section 66424.2 of the Government Code of the State of California, and that under the circumstances of the particular case, it would be contrary to the purposes for the regulations of the subdivision of land set forth in section 7000 of this Chapter if the parcels or units of land were not merged, it may order the parcels or units merged. In lieu of merger, the Board of Supervisors may impose such conditions as will insure that nonmerger will not be contrary to the purposes set forth in section 7000 of this Chapter. If such conditions are not met within the time provided, the Board shall cause a notice of merger to be recorded as set forth in section 7121.6 of this Article. (Added by Ord. No. 1983, effective 1-1-77.)

**EFFECTIVE DATE
OF MERGER**

SECTION 7121.6. If the Board, after a hearing, orders parcels or units of land merged, or if conditions for nonmerger are not met within the time provided, it shall cause a notice of merger to be filed for record with the Tulare County Recorder. The merger shall be effective from the time of recording such notice. (Added by Ord. No. 1983, effective 1-1-77.)

EFFECT OF MERGER

SECTION 7121.7. If contiguous parcels or units of land held by the same owner are merged pursuant to the provisions of this Article, such contiguous parcels or units may not thereafter be sold, leased, or financed, except as a unit, without compliance with the provisions of this Chapter, the County Zoning Ordinance, and all other applicable County Ordinances. (Added by Ord. No. 1983, effective 1-1-77.)

ARTICLE 8.5. REVERSION TO ACREAGE
(Added by Ord. No. 1882, effective 1-1-76)

**PETITION FOR
REVERSIONS TO
ACREAGE**

SECTION 7122. Persons wishing to petition for a reversion of a subdivision to acreage shall file with the Clerk of the Board of Supervisors a petition in the form which has been approved by the Board of Supervisors, in accordance with section 66499.11 et seq. of the Government Code of the State of California. (Former section amended by Ord. No. 1495, effective 3-4-72; repealed by Ord. No. 1882, effective 1-1-76. New section added by Ord. No. 1882, effective 1-1-76.)

**PETITION FOR
REVERSIONS TO
ACREAGE: REQUIRED
DEDICATIONS**

SECTION 7122.2. As a condition of reversion to acreage, the Board of Supervisors may require dedications or offers of dedication for all parcels of land, streets, alleys, pedestrianways, drainage channels, flood control works, easements, and other rights-of-way which the Board finds necessary for public use after reversion to acreage. (Added by Ord. No. 1882, effective 1-1-76.)

**REVERSIONS TO
ACREAGE:
PARCEL MAP**

SECTION 7122.6. A parcel map may be filed, in accordance with section 66499.20-1/4 of the Government Code of the State of California, to revert to acreage land which was previously subdivided. A tentative and final parcel map shall be processed in accordance with the requirements of Article 7 (commencing with section 7100) of this Chapter. (Added by Ord. No. 2316, effective 3-27-80; amended by Ord. No. 2534, effective 5-19-83.)

ARTICLE 9. PENALTIES AND ENFORCEMENT

ENFORCEMENT

SECTION 7123. It shall be the responsibility of the Building and Planning Director to notify the District Attorney of any violation of the Subdivision Map Act and this Chapter and to sign any necessary complaints. (Amended by Ord. No. 1882, effective 1-1-76; amended by Ord. No. 2524, effective 3-31-83.)

VOIDABLE CONVEYANCES

SECTION 7124. (Repealed by Ord. No. 1656, effective 11-15-73.)

BUILDING PERMITS

SECTION 7125. Compliance with the provisions of the Subdivision Map Act and this Chapter is a condition precedent to the issuance of a Building Permit and any Building Permit which is issued before compliance with the provisions of the Subdivision Map Act and this Chapter shall be null and void. (Amended by Ord. No. 1882, effective 1-1-76.)

PENALTIES

SECTION 7126. Penalties for violation of the requirements of this Chapter are set forth in sections 66499.30 and 66499.31 of the Government Code of the State of California. (Added by Ord. No. 1882, effective 1-1-76.)

CHAPTER 1.5. CERTIFICATES OF COMPLIANCE
(Added by Ord. No. 1664, effective 12-20-73.)

**APPLICATION FOR
CERTIFICATE: FEES**

SECTION 7130. In accordance with section 66499.35 of the Government Code of the State of California, any eligible person may apply for a certificate of compliance pursuant to this Chapter. Any person who desires such a certificate or his authorized agent, shall file an application with the Building and Planning Director on a form prescribed by the Building and Planning Director and shall provide such information as required by the Building and Planning Director. At the time of filing the application for a certificate, the applicant shall pay the applicable filing fee set forth in Article 2.5 of Chapter 1 of this Part to defray the expenses incidental to the proceedings and, in addition, the fees established by law for recording the certificate of compliance. No part of said fee shall be returned to the applicant if he subsequently withdraws his application, except as follows: (Amended by Ord. No. 2684, effective 1-9-86.)

- (a) If an application is filed for property which comes within the exception set forth in subsection (d) of section 66499.35 of the Government Code of the State of California, all of the fees shall be refunded.
- (b) If the application is withdrawn, or if for any other reason a certificate of compliance is not recorded, the fees deposited for recording the certificate shall be returned to the applicant.
- (c) In accordance with section 107 of this Ordinance Code. (Added by Ord. No. 1664, effective 12-20-73; amended by Ord. No. 1882, effective 1-1-76; amended by Ord. No. 2049, effective 8-16-77; amended by Ord. No. 2158, effective 9-28-78; amended by Ord. No. 2524, effective 3-31-83; amended by Ord. No. 2590, effective 3-15-84; amended by Ord. No. 2667, effective 9-12-85; amended by Ord. No. 2684, effective 1-9-86.)

**EXCEPTION:
RECORDED MAPS**

SECTION 7131. (Added by Ord. No. 1664, effective 12-10-73; repealed by Ord. No. 2049, effective 8-16-77.)

**ISSUANCE OF
CERTIFICATE:
BUILDING AND
PLANNING
DIRECTOR**

SECTION 7132.

- (a) The Building and Planning Director shall review the application and other information submitted by the applicant.
- (b) If the Building and Planning Director determines that the real property, and the division thereof, qualifies for a Certificate of Compliance under Section 66499.35 of the Government Code of the State of California, he or she shall issue the Certificate and cause it to be recorded with the County Recorder.

- (c) If the Building and Planning Director determines that the real property, and the division thereof, qualifies for a Conditional Certificate of Compliance under Section 66499.35 of the Government Code of the State of California, and that the issuance of such Conditional Certificate of Compliance will not constitute a substantial or significant deprivation of the property rights of other landowners, he or she shall issue the Conditional Certificate. If no appeal is filed within the time limits set forth in Section 7135 of this Chapter, the Building and Planning Director shall cause the Conditional Certificate to be recorded with the County Recorder.
- (d) The form of the Certificate shall comply with said Section 66499.35. (Added by Ord. No. 1664, effective 12-20-73; amended by Ord. No. 2049, effective 8-16-77; amended by Ord. No. 2524, effective 5-19-83.)

ISSUANCE OF CERTIFICATES: SITE PLAN REVIEW COMMITTEE

SECTION 7133. If the Building and Planning Director does not make the determinations that are necessary in order to issue a Conditional Certificate of Compliance pursuant to Section 7132(c), he or she shall refer the application for a Certificate of Compliance to the Site Plan Review Committee. The Site Plan Review Committee shall set the application for public hearing and shall provide the same notice of hearing as is set forth for public hearings upon tentative parcel maps in Section 7105.1b of Chapter 1 of this part. When setting the application for public hearing, the Committee shall also determine whether to file a Notice of Intention to Record a Notice of Violation as provided in section 66499.36 of the Government Code of the State of California. Following such hearing on the application and related issues, the Site Plan Review Committee shall determine to issue a Certificate of Compliance or Conditional Certificate of Compliance with appropriate conditions as may be required by the provisions of California Government Code Section 66499.35. The Site Plan Review Committee shall give notice of the decision and intended action to the applicant and to all parties requesting such notice. If no appeal is filed within the time limits set forth in Section 7135 of this Chapter, the Site Plan Review Committee shall cause the Certificate to be recorded with the County Recorder. If a Notice of Intention to Record a Notice of Violation was recorded, the Committee shall cause a release of such notice to be recorded with the Certificate. (Added by Ord. No. 1664, effective 12-20-73; amended by Ord. No. 1882, effective 1-1-76; amended by Ord. No. 2049, effective 8-16-77; amended by Ord. No. 2429, effective 8-20-81; amended by Ord. No. 2524, effective 5-19-83.)

NOTICE OF VIOLATION: HEARING

SECTION 7134.

- (a) Where it appears that real property has been divided in violation of the provisions of the Subdivision Map Act or of ordinances enacted pursuant thereto, and no

application for a Certificate of Compliance has been filed pursuant thereto, and no application for a Certificate of Compliance has been filed pursuant to this Chapter, the Site Plan Review Committee shall cause notices to be issued and hold a hearing in conformity with the provisions of Section 66499.36 of the Government Code of the State of California. With the concurrence of the owners, the Site Plan Review Committee may reduce the period of notice to such time as may be agreed upon.

- (b) Upon the conclusion of such proceedings, pursuant to said Government Code Section 66499.36, the Site Plan Review Committee shall make a determination of the matter and notify the owner thereof. If no appeal is filed within the time limits set forth in Section 7135 of this Chapter, the Committee shall cause a Notice of Violation or a Release of the Notice of Intention to Record a Notice of Violation to be recorded with the County Recorder.
- (c) However, if an application for a Certificate of Compliance is filed after commencing the procedure set forth in this section, but prior to the recording of a Notice of Violation, the Site Plan Review Committee shall determine whether to cause a Release of the Notice of Intention to Record a Notice of Violation to be recorded with the County Recorder. The Committee shall then consider the application as provided in Section 7133 of this Chapter. (Added by Ord. No. 1664, effective 12-20-73; amended by Ord. No. 2049, effective 8-16-77; amended by Ord. No. 2429, effective 8-20-81; amended by Ord. No. 2524, effective 5-19-83.)

APPEALS

SECTION 7135.

- (a) Except as herein provided, all appeals of decisions made by the Building and Planning Director or the Site Plan Review Committee on matters set forth in this Chapter shall be subject to the provisions of Section 115 of this Ordinance Code.
- (b) Within ten (10) calendar days after the date on which written notice of the decision is mailed or delivered to the owner, applicant, or other interested party, the owner, applicant, or other interested party or his authorized agent may appeal to the Board of Supervisors for review of the decision. The decision shall be final unless an appeal is filed within ten (10) calendar days of the mailing or delivery of notices to the landowner and applicant. (Added by Ord. No. 1664, effective 12-20-73; amended by Ord. No. 2049, effective 8-16-77; amended by Ord. No. 2429, effective 8-20-81; amended by Ord. No. 2463, effective 3-25-82; amended by Ord. No. 2524, effective 5-19-83; amended by Ord. No. 2545, effective 7-28-83.)

**CHAPTER 1.7. REVIEW OF PERMITS
FOR DEVELOPMENT OF REAL PROPERTY**
(Added by Ord. No. 1664, effective 12-20-73.)

APPLICATION

SECTION 7140. In accordance with section 66499.34 of the Government Code of the State of California, no County department shall issue any permit or grant any approval necessary to develop any real property until the provisions of this Chapter have been complied with. (Added by Ord. No. 1664, effective 12-20-73; amended by Ord. No. 1882, effective 1-1-76.)

REVIEW

SECTION 7141. Prior to issuance of such a permit or grant of such approval, the department responsible for processing the permit or approval shall refer the application to the Building and Planning Director. The Building and Planning Director shall determine whether it is proper to issue such permit or grant such approval under the provisions of section 66499.34 of the Government Code of the State of California. If said property fully complies with said section 66499.34, the Building and Planning Director shall so certify to the department responsible processing the permit or approval. If said property does not fully comply with said section 66499.34, the Building and Planning Director shall refer the matter to the Site Plan Review Committee pursuant to section 7134 of this Ordinance Code and the permit shall not be issued nor the approval granted until the matter has been resolved in accordance with said section 7134 and the other related sections of Chapter 1.5 (commencing with section 7130) of Part VII of this Ordinance Code and until the property fully complies with the requirements of section 66499.34 of the Government Code of the State of California. (Added by Ord. No. 1664, effective 12-20-73; amended by Ord. No. 2049, effective 8-16-77; amended by Ord. No. 2429, effective 8-20-81; amended by Ord. No. 2524, effective 3-31-83.)

Urban Improvement Regulations

ARTICLE 7. DEDICATIONS AND IMPROVEMENTS
(Added by Ord. No. 1773, effective 11-14-74.)

PURPOSES

SECTION 7455. The purposes of this Article are as follows:

- (a) To require dedications of right of way and construction of necessary improvements in connection with the issuance of building permits, and certain other permits and certificates, pursuant to the police power of the County. In accordance with section 65909 of the Government Code of the State of California, the dedications and improvements required pursuant to this Article shall be reasonably related to the use of the property for which the permit or certificate is issued.
- (b) To require construction of required improvements in connection with final maps and parcel maps when such construction was deferred at the time of approval of the final map or parcel map in accordance with section 7082.4 or section 7108.2 of this Ordinance Code. (Added by Ord. No. 1773, effective 11-14-74; amended by Ord. No. 2303, effective 1-17-80.)

SCOPE OF ARTICLE

SECTION 7456. This Article applies to all permits and certificates which are issued for the following purposes:

- (a) Permits for construction of new buildings and structures issued pursuant to Article 1 (commencing with section 7350) of this Chapter, except those which are accessory to the main use of the property and contain less than one thousand (1,000) square feet of covered floor space, and except those buildings and structures that come within a Group J Occupancy under the Uniform Building Code as adopted by said Article 1.
- (b) Permits for all additions to existing buildings and structures except the following:
 - (1) Additions to single family residences.
 - (2) Additions to buildings and structures which are accessory to the main use on the property if the total covered floor area of the accessory building will be less than one thousand (1,000) square feet after the addition.
 - (3) Additions to buildings and structures that come within a Group J Occupancy under the Uniform Building Code as adopted by Article 1 (commencing with section 7350) of this Chapter.
- (c) Permits for relocation of buildings and structures issued pursuant to Article 2 (commencing with section 7370) of this Chapter.

- (d) Certificates of occupancy of mobilehomes and travel trailers issued pursuant to Article 5.1 (commencing with section 7432) of this Chapter. (Added by Ord. No. 1773, effective 11-14-74; amended by Ord. No. 1955, effective 9-2-76.)

DEDICATION OF RIGHT OF WAY

SECTION 7457.

- (a) If the property on which the proposed building or structure will be located is two and one-half (2-1/2) acres or less in area, and the permit or certificate applied for pertains only to a single family residence or mobilehome or a building or structure accessory to such a residence or mobilehome, the applicant for the permit or certificate shall dedicate to the County the additional right of way required to widen any contiguous road in accordance with subsection (c) below.
- (b) If the property on which the proposed building or structure will be located is ten (10) acres or less in area, and the permit or certificate applied for pertains to a building or structure which is not a single family residence or mobilehome or a building or structure accessory to such a residence or mobilehome, the applicant for the permit or certificate shall dedicate to the County the additional right of way required to widen any contiguous road in accordance with subsection (c) below.
- (c) Dedications under this section shall be to widen the contiguous road to the ultimate right of way for the road as specified for road classifications in the improvement standards which are referred to in section 7080 of this Ordinance Code. If the property on which the building or structure will be located does not have any frontage on a County road, no dedication shall be required. The executed deed shall be submitted to the Public Works Director prior to the issuance of the permit or certificate. (Added by Ord. No. 1773, effective 11-14-74.)

DEDICATION OF RIGHT OF WAY: EXCEPTIONS AND MODIFICATIONS

SECTION 7458. Regardless of the provisions of section 7457 of this Article, no dedication of right of way shall exceed the dedication which would be required under the procedure for parcel maps as set forth in section 7100 et seq. of this Ordinance Code. If no such dedication would be required if the property for which the permit or certificate is requested were a parcel being created under said parcel map procedure, then no dedication is required under this Article. (Added by Ord. No. 1773, effective 11-14-74; amended by Ord. No. 1853, effective 9-18-75.)

**DEDICATION OF
RIGHT OF WAY:
EXCEPTIONS FOR
TEMPORARY PERMITS**

SECTION 7458.3. Regardless of the provisions of section 7457 of this Article, no dedication of right of way shall be required if the building, structure, mobilehome or travel trailer can only be used or occupied for a period of one (1) year or less because of a restriction imposed by a use permit, variance or any other type of permit granted by a County officer, board of commission. However, if such use permit, variance or other permit is thereafter extended or renewed for the same building, structure, mobilehome or travel trailer so as to allow such use or occupation to continue for an additional period of time, and the total period of time under the original and subsequent use permit, variance or other permit that will exceed one (1) year the County officer, board of commission shall require the permittee to dedicate right of way in full compliance with the provisions of this Article when granting the use permit, variance or other permit. (Added by Ord. No. 2345, effective 7-10-80.)

**DEDICATION OF
RIGHT OF WAY:
WAIVER BY PUBLIC
WORKS DIRECTOR**

SECTION 7458.5. If the Public Works Director determines that the additional right of way to be dedicated under section 7457 of this Article will not be beneficial to the County, or a city that might be the successor in interest to the County, or that the dedication will not be beneficial to the area served by the road, or that it will probably not be used for road widening even if it is dedicated, he may waive the requirement that such right of way be dedicated. (Added by Ord. No. 1961, effective 9-16-76.)

**IMPROVEMENTS:
OTHER THAN
SUBDIVISIONS**

SECTION 7460.

- (a) In addition to the dedications of right of way required under this Article, the person securing a permit or certificate shall also be required to construct certain improvements as a condition of issuance of the permit or certificate. The improvements which are to be constructed shall be curbs and gutters, road construction, and any other public improvements which will be located on the property for which the permit or certificate is issued and relate to a traffic or drainage problem arising from the property or the building, structure or mobilehome proposed to be constructed on or moved onto the property.
- (b) Improvements are not required under this section on private roads.
- (c) This section shall not apply to a person who is required to construct deferred final map or parcel map improvements pursuant to section 7461.8 of this Article. (Added by Ord. No. 1773, effective 11-14-74; amended by Ord. No. 1961, effective 9-16-76; amended by Ord. No. 2006, effective 4-14-77; amended by Ord. No. 2303, effective 1-17-80.)

**IMPROVEMENTS:
EXCEPTIONS AND
MODIFICATIONS**

SECTION 7461. Regardless of the provisions of section 7460 of this Article, no improvements shall be required that exceed the required improvements under the procedure for parcel maps as set forth in section 7100 et seq. of this Ordinance Code. If a particular improvement would not be required if the property for which the permit or certificate is requested were a parcel being created under said parcel map procedure, then such an improvement shall not be required under this Article. (Added by Ord. No. 1773, effective 11-14-74; amended by Ord. No. 1853, effective 9-18-75.)

**IMPROVEMENTS:
EXCEPTIONS FOR
TEMPORARY PERMITS**

SECTION 7461.3. Regardless of the provisions of section 7460 of this Article, no improvements shall be required if the building, structure, mobilehome or travel trailer can only be used or occupied for a period of one (1) year or less because of a restriction imposed by a use permit, variance of any other type of permit granted by a County officer, board or commission. However, if such use permit variance or other permit is thereafter extended or renewed for the same building, structure, mobilehome or travel trailer so as to allow such use or occupation to continue for an additional period of time, and the total period of time under the original and the subsequent use permit, variance or other permit will exceed one (1) year, the County officer, board or commission shall include a condition requiring the permittee to construct all required improvements in full compliance with the provisions of this Article when granting the use permit, variance or other permit. (Added by Ord. No. 2345, effective 7-10-80.)

**IMPROVEMENTS:
WAIVER BY PUBLIC
WORKS DIRECTOR**

SECTION 7461.5.

- (a) If the Public Works Director determinates that the construction of any improvements that would ordinarily be required under section 7460 of this Article will not be beneficial within the next twenty (20) years to either the County or the area served by the road or other improvement, he may waive the requirement that such improvements be constructed.
- (b) If the improvements required under Section 7460 are in relation to a road that reasonably might be annexed to a city within the next twenty (20) years, the Public Works Director may waive the requirement that such improvements be constructed only if both the Public Works Director and the City Engineer of such city agree that the improvements will not be beneficial within the next twenty (20) years to either the County, the area served by the road, or the city. If the Public Works Director and the City Engineer do not agree on such waiver, the Public Works Director shall notify the Board of Supervisors of the disagreement and the Board, after hearing both positions, shall render the final decision at a regular public meeting.

(Added by Ord. No. 1961, effective 9-16-76; amended by Ord. No. 2732, effective 9-30-86.)

**IMPROVEMENTS:
DEFERRED SUB-
DIVISION AND
PARCEL MAP
IMPROVEMENTS**

SECTION 7461.8.

- (a) When a final subdivision map has been approved, and construction of any improvements was deferred in accordance with section 7082.4 of this Ordinance Code, such deferred improvements shall also be constructed in accordance with the requirements of this Chapter. The person securing a permit or certificate shall be required to construct the deferred improvements which were required at the time of approval of the tentative subdivision map. Any agreement which has been entered into pursuant to section 7065.8 of this Ordinance Code shall also govern construction of such deferred improvements.
- (b) When a final parcel map has been approved, and construction of any improvements was deferred in accordance with section 7108.2 of this Ordinance Code, such deferred improvements shall also be constructed in accordance with the requirements of this Chapter. The person securing a permit or certificate shall be required to construct the deferred improvements which were required at the time of approval of the tentative parcel map. Any agreement which has been entered into pursuant to section 7105.4C of this Ordinance Code shall also govern construction of such deferred improvements. (Added by Ord. No. 2303, effective 1-17-80.)

**STANDARDS FOR
IMPROVEMENTS**

SECTION 7462. The improvements required to be constructed pursuant to this Article shall be constructed in conformity with the improvement standards which are referred to in section 7080 of this Ordinance Code. (Added by Ord. No. 1773, effective 11-14-74.)

**AGREEMENT TO
CONSTRUCT
IMPROVEMENTS**

SECTION 7462.3.

- (a) Prior to the issuance of the permit or certificate, the applicant shall enter into an agreement with the County wherein the applicant will be required to construct the required improvements by the following dates:
 - (1) Prior to final inspection, or issuance of a certificate of occupancy for the work or project authorized by the permit or certificate, where the required security is provided pursuant to subsection (a) of section 7463 of this Article.
 - (2) Within a period of six (6) months after the date of issuance of the permit or certificate, where the required security is provided pursuant to subsection (b) of section 7463 of this Article.

- (b) The Board of Supervisors shall approve a form agreement pertaining to the construction of such improvements. The Public Works Director, and duly authorized employees in his office, are authorized to execute, on behalf of the County of Tulare, such agreements in the approved form. (Added by Ord. No. 2277, effective 10-11-79; amended by Ord. No. 2733, effective 10-30-86.)

**EXTENSION OF TIME FOR COMPLETING IMPROVEMENTS:
INCREASE IN SECURITY: APPEAL**

SECTION 7462.5.

- (a) Under such an agreement between the County and the applicant, the Public Works Director shall be given the power to extend the time set forth in subsection (a)(2) of section 7462.3 of this Article beyond the initial six (6) month period specified in the agreement. The Public Works Director may grant such an extension of time when he finds good cause to do so. However, when he grants such an extension of time, he shall review the security previously deposited in accordance with section 7463 of this Article and, if he determines that the estimated cost to the County to construct the required improvements has increased, the Public Works Director shall not extend the time for completion until the applicant has deposited additional security so that the total security is one hundred twenty-five percent (125%) of the new estimated cost.
- (b) If an applicant is dissatisfied with the decision of the Public Works Director on a request for an extension of time or any additional security required by the Public Works Director, the applicant may appeal to the Board of Supervisors pursuant to the provisions of section 7466 of this Article, and the Board of Supervisors shall hear and decide said appeal in accordance with the provisions of said section 7466. (Added by Ord. No. 2277, effective 10-11-79; amended by Ord. No. 2733, effective 10-30-86.)

SECURITY FOR IMPROVEMENTS

SECTION 7463. The person requesting the permit or certificate shall provide the Public Works Director with security sufficient to assure that the requesting party will make the improvements required by this Article in accordance with said agreement. Said security shall be in one of the following forms:

- (a) An agreement by the requesting party that no portion of the work or project authorized by the permit or certificate shall be eligible for any required final inspection or issuance of a certificate of occupancy until the improvements required by this Article have been completed to the satisfaction of the Public Works Director and written evidence of such satisfaction has been filed by the Public Works Director with the Building and Planning Director. Such agreement may be executed by the Public Works Director and his duly authorized employees, on behalf of the County of

Tulare, on a form approved by the Board of Supervisors.

- (b) A deposit of security with the Public Works Director in favor of the County of Tulare and in one of the following forms:
- (1) A deposit of cash with the Public Works Department, or in escrow with a responsible escrow agent or trust company.
 - (2) An instrument of credit from one or more financial institutions subject to regulation by the California State or Federal government and pledging that the funds necessary to carry out the act or agreement are on deposit and guaranteed for payment.
 - (3) An assignment or transfer of rights in an account, deposit or certificate insured by the Federal Deposit Insurance Corporation or the Federal Savings and Loan Insurance Corporation, in or with one or more financial institutions subject to regulation by the California State or Federal government, upon a form approved by the Board of Supervisors.
 - (4) A certificate of deposit issued by a financial institution regulated by the California State or Federal government, issued in favor of the County of Tulare, and allowing the County to receive cash in exchange for the certificate at least once during each six (6) month period.

Such security shall be in the amount of one hundred and twenty-five percent (125%) of the estimated cost to the County to construct the required improvements through contract with a contractor should the requesting party fail to comply with his agreement to construct the improvements. Said estimated costs shall be determined by the Public Works Director. (Added by Ord. No. 1773, effective 11-14-74; amended by Ord. No. 1882, effective 1-1-76; amended by Ord. No. 2277, effective 10-11-79; amended by Ord. No. 2733, effective 10-30-86.)

SECURITY: CONTINUING SECURITY

SECTION 7463.5.

(Added by Ord. No. 1853, effective 9-18-75; amended by Ord. No. 2277, effective 10-11-79; repealed by Ord. 2733, effective 10-30-86.)

DEFERRED IMPROVE-
MENTS: SECURITY
BY DEPOSIT OR
LIEN

SECTION 7464. If the Public Works Director determines at any time that it is not feasible for the applicant or permittee, or in the best interests of the County, for the required improvements to be constructed within the period of time set forth in section 7462.3 of this Article, the applicant or permittee shall, in lieu of complying or continuing to comply with section 7462.3 of this Article, do one of the following:

- (a) Make a deposit of money with the Public Works Director in an amount calculated as set forth in subsection (b) of section 7463 of this Article. When such a deposit has been made, the applicant shall thereafter have no further duties or liabilities in connection with the construction of the improvements. The deposit shall be held by the County, pursuant to an agreement between the applicant and the County, in a trust account and shall be used by the County solely to pay for the required work and the costs of managing the trust account. If the work has not been completed within twenty (20) years after the date of deposit, the County shall return the amount deposited to the applicant or his heirs or assigns, along with interest thereon at a rate equal to the average rate of return earned by the County on its investments during those full calendar quarters during which the deposit was held, less one (1) full percentage point to be retained by the County to cover the costs of administering the trust account. The trust account agreement shall be on a form approved by the Board of Supervisors. The Public Works Director and duly authorized employees of his office are authorized to execute such agreements on behalf of the County on the approved form.
- (b) Enter into, or, if the applicant is not the owner, have the owner enter into an agreement with the County to construct the required improvements within sixty (60) days of receipt of a written demand by the Public Works Director. The agreement shall provide that failure to perform in a timely fashion shall entitle the County to make its own arrangements for construction of the improvements, and the cost thereof, including the reasonable costs of the Public Works Department in causing the work to be done and supervising it, shall constitute both a personal obligation of the owner and a lien on the real property for which the permit or certificate was issued. The term of the agreement shall be twenty (20) years from the date of issuance of the permit or certificate. The agreement shall be on a form approved by the Board of Supervisors and shall be executed by the Public Works Director or duly authorized employees in his office on behalf of the County. The agreement shall be recorded by the Public Works Director in the office of the County Recorder, and from the date of recordation

shall be binding upon the heirs, successors, and assigns of the owner as a covenant running with the land.

Making a deposit or entering into any of agreements under the foregoing subsections shall not preclude the permittee or owner, if different, from requesting permission to complete the improvements at his own expense prior to the determination by the Public Works Director to require the construction. The Public Works Director may require, as a condition for granting such permission, that the permittee or owner take whatever measures the Director deems necessary to prevent such early construction from causing injury to the property of any public entity or private person other than the property owner. Upon completion of the improvements to the satisfaction of the Public Works Director, any deposit made hereunder shall be returned to the owner or his heirs, or assigns in the manner set forth in subsection (a) of Section 7464 of this Article; any agreement made hereunder shall be canceled, and written notice of such cancellation shall be given and may be recorded in the manner set forth in subsection (a) of Section 7468 of this Article. (Amended by Ord. No. 1733, effective 1-14-74; amended by Ord. No. 1961, effective 9-16-76; amended by Ord. No. 2277, effective 10-11-79; amended by Ord. No. 2733, effective 10-30-86; amended by Ord. No. 2744, effective 12-18-86.)

DETERMINATION OF REQUIREMENTS

SECTION 7465. When an application for a permit or certificate which comes within the provisions of this Article is filed with the Building and Planning Director, he shall advise the Public Works Director of the filing of the application and necessary details concerning the property affected by the application. The Public Works Director shall determine the specific dedications and improvements which are required to be made under this Article and shall advise the Building and Planning Director and the applicant of his determination. (Added by Ord. No. 1773, effective 11-14-74; amended by Ord. No. 2524, effective 3-31-83.)

APPEAL

SECTION 7466. When the applicant has been advised, pursuant to section 7465 of the Article, of the dedications and improvements that he will be required to make, he may appeal to the Board of Supervisors from the determination by the Public Works Director; provided, however, that a person required to construct deferred improvements in connection with a final map or a parcel map, pursuant to section 7461.8 of this Article, is not entitled to appeal with regard to the nature or extent of deferred improvements which he is required to construct. A notice of appeal shall be in writing, shall state specifically what requirement is being appealed from and shall be filed with the Clerk of the Board of Supervisors. The Clerk of the Board shall set the matter for hearing before the Board at a meeting to be held within twenty (20) days after the date of filing the appeal. The Clerk shall give notice of the

time of the hearing to the person filing the appeal, the Public Works Director and the Building and Planning Director. The Board of Supervisors shall hear the matter de novo. The decision of the Board of Supervisors after such hearing shall be final and conclusive as to all things involved in the matter. The Clerk of the Board shall give written notice of the decision to the applicant, the Public Works Director and Building and Planning Director. (Added by Ord. No. 1773, effective 11-14-74; amended by Ord. No. 2303, effective 1-17-80; amended by Ord. No. 2524, effective 3-31-83.)

JUDICIAL REVIEW OF DECISION

SECTION 7466.5. Judicial review of a decision of the Board of Supervisors made after a hearing pursuant to this Article, if the decision denies the permit, shall be made pursuant to section 1094.6 of the Code of Civil Procedures of the State of California. The method of judicial review, the time limits for judicial review, and all of the other provisions of said section 1094.6 shall govern such judicial review. When giving written notice to the applicant that the permit has been denied, the Board of Supervisors shall provide notice to the applicant that the time within which judicial review must be sought is governed by said section 1094.6. (Added by Ord. No. 2019, effective 6-9-77.)

ISSUANCE OF PERMIT

SECTION 7467. When the property to be dedicated for right-of-way and the improvements to be constructed have been determined in accordance with the provisions of this Article, and when the applicant has delivered the required deeds and has entered into the agreement required by section 7462.3 of this Article and provided the security for construction of the required improvements in accordance with section 7463 of this Article, or has made the deposit or entered into the lien agreement authorized by section 7464 of this Article, the Public Works Director shall authorize the Building and Planning Director to issue the permit or certificate. (Added by Ord. No. 1773, effective 11-14-74; amended by Ord. No. 1853, effective 9-18-75; amended by Ord. No. 2277, effective 10-11-79; amended by Ord. No. 2524, effective 3-31-83; amended by Ord. No. 2733, effective 10-30-86.)

ANNEXATION BY CITY

SECTION 7467.2. If the property on which the required improvements are to be constructed is annexed to a City prior to the completion of the improvements, the County may assign to the City all of its rights and responsibilities in regard to said improvements conferred by this Article and transfer the security on deposit, if any, to the City Council of the City. The City Council, or the City official designated by the City Counsel, shall thereafter have the right to require and/or arrange completion of the improvements and, in this respect, the City Council or its designee shall be deemed to have all of the powers conferred upon the Public Works Director by this Article. (Added by Ord. No. 2277, effective 10-11-79; amended by

**FAILURE TO
COMPLETE WORK**

SECTION 7467.4. Where security has been provided pursuant to section 7463 of this Article, failure to perform the work in the manner required by this Article within the time set forth in the agreement or upon expiration of any extension of time granted by the Public Works Director shall have the following consequences:

- (a) If the security was provided pursuant to subsection (a) of section 7463 of this Article, the Building and Planning Director or his duly authorized employees shall notify the Public Works Director in writing of any request for a final inspection or issuance of a certificate of occupancy. Upon receipt of such notice, the Public Works Director shall notify the Building and Planning Director of whether the required improvements have been completed in a satisfactory manner. The Building and Planning Director and his employees shall refuse to conduct any final inspection of, or issue any certificate of occupancy for, the work or project for which the permit or certificate was issued until the Building and Planning Director has received such written notification of satisfactory completion.
- (b) If the security was provided pursuant to subsection (b) of section 7463 of this Article, the Public Works Director shall mail a notice to the person who deposited the security at the address set forth in the agreement. The notice shall advise the person that if the required work is not completed in full compliance with the agreement within sixty (60) days after the date of mailing of the notice, the Public Works Director will cause the required work to be performed, and the security on deposit will be used to pay the costs of performing said work, including the reasonable costs of the Public Works Department in causing said work to be done and supervising it. The Public Works Director may have such work performed by contract or by any other means legally available. Upon completion of the work, the balance, if any, of such deposit, after deducting therefrom the cost of performing the work and the reasonable costs of the Public Works Department in causing the work to be done and supervising it, shall be returned to the person who made the deposit or his heirs, successors or assigns. If the security was in the form of cash or a cashier's check made payable to the County said deposit shall, if invested, earn interest thereon and a portion of that interest shall be returned with the return of the deposit in the manner prescribed by subsection (b) of Section 53079 of the Government Code. (Added by Ord. No. 2277, effective 10-11-79; amended by Ord. No. 2733, effective 10-30-86.)

SECTION 7468.

- (a) When the person receiving the permit or certificate has completed the construction of improvements pursuant to this Article, he shall give written notice to the Public Works Director. If the Public Works Director determines that such work has been completed in a satisfactory manner in compliance with the provisions of all applicable statutes, ordinances, encroachment and other permits, and improvement standards, he shall authorize the release of the security. Where the security was provided pursuant to subsection (a) of section 7463 of this Article, the security shall be released by filing written notice thereof with the Building and Planning Director. Where the security was provided pursuant to subsection (b) of section 7463, the security shall be released by mailing notice thereof to the owner and returning the cash deposit or security instrument to the depositor or surety. Where the security was provided pursuant to subsection (b) of section 7464 of this Article, the security shall be released by mailing notice thereof in a recordable form to the owner. The owner shall have sole responsibility for recording this notice in the Office of the County Recorder.
- (b) In those cases where more than one item or work is to be performed, the Public Works Director may, from time to time, authorize a partial release of such security, so long as sufficient security is retained to cover the uncompleted portion of the work. (Added by Ord. No. 1773, effective 11-14-74; amended by Ord. No. 1853, effective 9-18-75; amended by Ord. No. 2733, effective 10-30-86.)

Interim School Facilities

INTERIM SCHOOL FACILITIES

CHAPTER 6. DEDICATION OF LAND OR PAYMENT OF FEES FOR SCHOOL FACILITIES

(Chapter 6 added by Ord. No. 2217, effective 3-22-79.)

LEGISLATIVE INTENT: PURPOSE

SECTION 7600. This Chapter is adopted to supplement and implement sections 65970-65978 of the Government Code of the State of California in order to establish a method of providing interim classrooms and related facilities for school districts having conditions of overcrowding within one or more attendance areas. All of the requirements of said sections 65970-65978 of the Government Code are incorporated by reference and shall apply to school districts and the County as though expressly set forth herein.

APPLICATION

SECTION 7600.5. This Chapter applies to all land proposed for residential development which is owned by any individual, firm, partnership, joint venture, association, corporation, estate or trust. In addition, it applies to any land proposed for residential development which is owned by the United States and any agency of the United States, the State of California and any agency of the State, a city, and any public district or political subdivision of the State of California insofar as it is legally possible to enforce this Chapter, or any portion thereof, against such entities.

DEFINITIONS

SECTION 7601. The definitions set forth in section 65973 of the Government Code of the State of California shall apply throughout this Chapter. In addition, the following words and phrases, as used in this Chapter, shall have the following meanings:

- (a) "Attendance area" means that portion of a school district, with identifiable boundaries determined by the governing board of a school district, from which children residing therein would normally be assigned to attend a specified school in the district.
- (b) "Developer" means any person, or any of the other entities mentioned in section 7600.5 of this Chapter, who applies to have property rezoned to a residential use, applies for a discretionary permit for residential use, files a tentative subdivision or parcel map for residential purposes, or makes application for a building permit for residential purposes.
- (c) "Dwelling unit" means one (1) or more rooms in a building, mobilehome, or portion thereof, designed, intended to be used, or used for occupancy by one (1) family for living and sleeping quarters.

- (d) "Mobilehome space" means any space, including each space within a mobilehome park, designed for parking a mobilehome on a temporary, semi-permanent or permanent basis.
- (e) "Reasonable methods for mitigating conditions of overcrowding" include, but are not limited to, the following:
 - (1) Agreements between a developer and the affected school district whereby temporary-use buildings will be leased to the school district for an interim period, or whereby temporary-use buildings owned by the school district will be used.
 - (2) The availability of funds, the use of which would not impair the normal functioning of educational programs.
 - (3) The use of funds which could be made available from the sale of surplus school district real property and/or personal property.
 - (4) The use of school district property for temporary-use buildings.
 - (5) The use of other schools in the district not having overcrowded conditions. (Amended by Ord. No. 2549, effective 8-4-83.)

SCHOOL FACILITIES: FINDINGS: NOTIFICATIONS TO BOARD OF SUPERVISORS

SECTION 7602. Before a developer may be required to dedicate land or pay a fee in lieu thereof, pursuant to sections 65970-65978 of the Government Code of the State of California and this Chapter, the governing board of a school district which operates an elementary or high school shall make the written findings, supported by clear and convincing evidence, required by section 65971 of the Government Code of the State of California and notify the Board of Supervisors of its findings. The notice to the Board of Supervisors shall contain all of the following:

- (a) The findings required by section 65971 of the Government Code of the State of California.
- (b) A summary of the evidence upon which the findings are based.
- (c) The reasonable methods of mitigating conditions of overcrowding which have been considered by the school district and any determination made concerning them by the district.
- (d) The precise geographic boundaries of the overcrowded attendance area or areas.

- (e) Sufficient evidence on the interim classroom and related facilities needed by the school district and the costs of providing the same so that the Board of Supervisors can set the fees to be charged to the developer or the applicant for the building permit.
- (f) The schedule as required by Government Code Section 65476 with respect to the use of the fees, the school sites to be used, the classroom facilities to be made available, and the times when such facilities will be made available.
- (g) A report from the County Building and Planning Department with respect to whether or not the facilities to be constructed from the fees is consistent with the County's General Plan. (Amended by Ord. No. 2549, effective 8-4-83.)

**ACTION BY BOARD
OF SUPERVISORS**

SECTION 7603. Upon receipt of such notice from a school district, the Board of Supervisors shall, by resolution, concur in the findings of the school district or state why it does not concur in such findings.

**SCHOOL
FACILITIES:
GENERAL
REQUIREMENTS**

SECTION 7604.

- (a) When the Board of Supervisors has concurred in such findings under section 7603 of this Chapter, and has determined the fees payable by a developer, such fees shall thereafter be required of all residential developers of real property within the attendance area of the district. Thereafter, the Board shall not approve an ordinance rezoning property to a residential use, nor shall the Board of Supervisors, Planning Commission or Zoning Administrator grant a discretionary permit for residential use, nor shall the Planning Commission, Site Plan Review Committee or Board of Supervisors approve a tentative subdivision or parcel map for residential purposes, nor shall the Building and Planning Director issue a building permit for residential purposes within such attendance area, without finding that the fees previously determined by the Board are required, and imposing such fees as a condition of approval. Prior to approval of any residential development project, the Building and Planning Director shall notify developers of the required fees and their appeal rights pursuant to Section 7604.1 of this Chapter at the time application for residential development, or the filing of a tentative subdivision or parcel map, is first made.
- (b) Notwithstanding the provisions of subsection (a) of this section, the Board of Supervisors may find that there are specific overriding fiscal, economic, social, or environmental factors which, in the judgment of the Board, would benefit the County and justify issuing such an approval without requiring the payment

of fees; or, may require the dedication of land in subdivisions containing more than fifty (50) parcels.

- (c) Notwithstanding the provisions of subsection (a) of this section, a builder of residential development may, with the approval of the Board of Supervisors, exercise the option of providing interim facilities at his or her expense, at a place designated by the school district, in lieu of paying fees; or, where five (5) or more parcels are concerned, a developer may, with the approval of the Board of Supervisors, enter into any other legally binding agreement with the school district which the school district deems satisfies its needs in lieu of paying fees, if the Board finds the existence of overriding factors as specified in Subsection (b) of this Section.
- (d) Any dedication of land, or payment of fees in lieu thereof, shall comply fully with all of the requirements of this Chapter and Section 65974 of the Government Code of the State of California. (Amended by Ord. No. 2549, effective 8-4-83; amended by Ord. No. 2669, effective 10-3-85.)

APPEALS

SECTION 7604.1.

- (a) Except for those projects on which the Board of Supervisors takes final action, any person required to pay fees pursuant to Section 7604 of this Chapter may appeal to the Board for the reasons set forth in subsections (b) and (c) of said Section.
- (b) Such appeal shall be made in writing, shall state the reasons the fees should not be required, and shall be filed with the Clerk of the Board within ten (10) calendar days after the following occurs:
 - (1) Final approval of a tentative subdivision or parcel map, or a discretionary permit for residential use.
 - (2) Application is made for a building permit for residential purposes.
- (c) No appeal may be made from an application for a building permit in subdivisions in which the same developer failed to appeal after final approval of the tentative subdivision or parcel map, except those maps approved prior to the effective date of this section, or when the same developer has previously made an appeal. The requirement of fees shall be final unless the appeal is made within said ten (10) day period.
- (d) Upon the filing of an appeal, the Board of Supervisors shall set the matter for hearing. The Clerk of the Board of Supervisors shall cause a notice of the time

of the appeal hearing to be given to the appellant, the affected school district, and the Building and Planning Director, not less than ten (10) calendar days prior to the date set for said hearing.

- (e) For those projects on which the Board of Supervisors takes final action, an applicant may at such time as the matter is before the Board for approval, request that the Board waive the requirement of fees for the reasons set forth in subsections (b) and (c) of Section 7604 of this Chapter if the applicant makes such request in writing to the Clerk of the Board at least ten (10) days prior to such meeting. The Clerk shall give notice of such request to the Building and Planning Director and the affected school district.
- (f) The decision of the Board of Supervisors on the appeal or waiver shall be final. (Added by Ord. No. 2669, effective 10-3-85.)

**SCHOOL
FACILITIES:
EXEMPTIONS**

SECTION 7605. This Chapter shall not apply to the following types of projects:

- (a) Senior citizen housing approved, financed and/or subsidized by the United States Department of Housing and Urban Development, and residential development in mobilehome parks restricted to adults only, provided the developer enters into a written agreement, acceptable to the affected school district, that the developer will dedicate land or pay fees in lieu thereof, or a combination of both, when and if such restrictions cease during a period the school district has overcrowded conditions within the attendance area in which the development is located.
- (b) Conversion of existing apartment buildings to condominiums or a community apartment project, except where such apartment buildings were restricted to "adults only" and said restrictions are removed when the conversion takes place.
- (c) Alterations, remodeling or renovations of, and additions to, existing residences which do not result in additional dwelling units. This shall not include additions of one or more bedrooms in those school districts which collect a fee based on the number of bedrooms.
- (d) Installation of a mobilehome or construction of a residence, for the sole purpose of replacing a mobilehome or residence previously removed during a period that the school district has been determined to have overcrowded conditions, on the same real property upon which the prior mobilehome or residence was located, provided that: (1) the mobilehome or residence previously removed is not relocated to other

real property within the same school district; (2) any net increase in the number of bedrooms in those school districts which collect a fee based on the number of bedrooms shall not be exempted from the operation of this Chapter; and (3) the replacement mobilehome or residence does not contain additional dwelling units.

- (e) Relocation of existing mobilehomes or residences to other real property located within the same school district.
- (f) Installation of a mobilehome or construction of a residence for the sole purpose of replacing a mobilehome or residence, which has been destroyed or demolished during a period that the school district has been determined to have overcrowded conditions, on the same real property upon which the prior mobilehome or residence was located, provided that: (1) any net increase in the number of bedrooms in those school districts which collect a fee based on the number of bedrooms shall not be exempted from the operation of this Chapter; and (2) the replacement mobilehome or residence does not contain additional dwelling units. (Amended by Ord. No. 2669, effective 10-3-85.)

**SCHOOL
FACILITIES:
FEES:**

SECTION 7606. The fees payable by a developer to a school district shall be determined by the Board of Supervisors at or after the time that the Board concurs in the findings of the school district pursuant to section 7603 of this Chapter. No dedication of land may be required in subdivisions containing fifty (50) parcels or less.

**BUILDING AND
USE PERMITS:
PAYMENT OF
FEES**

SECTION 7607. When the Board of Supervisors has determined pursuant to section 7604 of this Chapter that developers shall pay fees, dedicate land, or a combination of both, a copy of the determination of the Board shall be sent to the Building and Planning Director. The Building and Planning Director shall not issue any building permit for construction of a residence, nor any permit to relocate a residence, nor any permit to install a mobilehome, nor any permit to move in a mobilehome pursuant to Sections 7432-7433.9 of this Ordinance Code, nor any permit for residential purposes which results in additional dwelling units, nor shall any use permit for mobilehome parks be issued, which is subject to said determination by the Board unless the school district provides verification that the required payment of fees and/or dedication of land to the school district has been or will be made. It shall be the school district's responsibility to collect fees imposed pursuant to this Chapter. The school district may, at the district's option, establish uniform procedures for collecting said fees by installments. (Amended by Ord. No. 2549, effective 8-4-83; amended by Ord. No. 2524, effective 3-31-83; amended by Ord. No. 2669, effective 10-3-85.)

**BUILDING AND
USE PERMITS:
DEFERRAL FOR
ELDERLY HOUSING**

SECTION 7607.1. The Board of Supervisors may, pursuant to such guidelines and upon such conditions as it shall by resolution determine, authorize the Building and Planning Director to grant deferrals for the payment of fees for new residential development for elderly persons within school districts having overcrowded conditions. In such event, the Building and Planning Director shall mail or deliver written notice of intent to grant a deferral to the affected school district. The school district may, within ten (10) calendar days of the date of mailing or delivery of the written notice, appeal the decision to defer the payment of fees as provided in Section 7604.1 of this Chapter, in which case no deferral shall be granted unless so ordered by the Board at the conclusion of the appeal. (Added by Ord. No. 2669, effective 10-3-85.)

ANNUAL REVIEW

SECTION 7608. Following receipt of the annual report by each school district required by Section 65978 of the Government Code, the Board of Supervisors shall review and consider such reports at a regular meeting to be held not later than ninety (90) days after the deadline required in Section 65978 for submitting annual reports by school districts. Prior to such meeting, the Board may direct the County Counsel to prepare and submit a report to the Board summarizing the matters contained in the annual reports. The annual reports shall also include an accounting of any fees, facilities and/or dedications of land received by any school district in accordance with agreements authorized pursuant to Subdivisions (b) and (c) of Section 7604 of this Chapter. (Added by Ord. No. 2669, effective 10-3-85.)

**ANNUAL REVIEW:
WAIVER OF FEES**

SECTION 7608.1 During such period that a school district fails to file its annual report in the manner required by Section 65978 of the Government Code, the Building and Planning Director shall be authorized to issue the permits and approvals specified in Section 7607 of this Chapter without verification from the School District that payment of fees and/or dedications of land have been made. The Board of Supervisors may approve a 30-day extension of the deadline for the filing of a school district's annual report if it determines that circumstances exist justifying such extension. (Added by Ord. No. 2669, effective 10-3-85.)

State Map Act

THE SUBDIVISION MAP ACT
(California Government Code)

DIVISION 2. SUBDIVISIONS

Chapter 1. General Provisions and Definitions

Article 1. General Provisions

Short title

66410. This division may be cited as the Subdivision Map Act.

(Added by Stats. 1974, Ch. 1536. Effective March 1, 1975.)

Local control

66411. Regulation and control of the design and improvement of subdivisions are vested in the legislative bodies of local agencies. Each local agency shall by ordinance regulate and control subdivisions for which this division requires a tentative and final or parcel map. In the development, adoption, revision, and application of such ordinance, the local agency shall comply with the provisions of Section 65913.2. Such ordinance shall specifically provide for proper grading and erosion control, including the prevention of sedimentation or damage to offsite property. Each local agency may by ordinance regulate and control other subdivisions, provided that such regulations are not more restrictive than the regulations for those subdivisions for which a tentative and final or parcel map are required by this division, and provided further that such regulations shall not be applied to short-term leases (terminable by either party on not more than 30 days' notice in writing) of a portion of the operating right-of-way of a railroad corporation defined as such by Section 230 of the Public Utilities Code unless a showing is made in individual cases, under substantial evidence, that public policy necessitates the application of such regulations to such short-term leases in such individual cases.

(Amended by Stats. 1980, Ch. 1152.)

Limitations on
improvements

66411.1. Whenever a local ordinance requires improvements for a division of land which is not a subdivision of five or more lots, such regulations shall be limited to the dedication of rights-of-way, easements, and the construction of reasonable offsite and onsite improvements for the parcels being created. Requirements for the

construction of such offsite and onsite improvements shall be noticed by certificate on the parcel map, on the instrument evidencing the waiver of such parcel map, or by separate instrument and shall be recorded on, concurrently with, or prior to the parcel map or instrument of waiver of a parcel map being filed for record.

Timing of improvements

Fulfillment of such construction requirements shall not be required until such time as a permit or other grant of approval for development of the parcel is issued by the local agency or, where provided by local ordinances, until such time as the construction of such improvements is required pursuant to an agreement between the subdivider and the local agency, except that in the absence of such an agreement, a local agency may require fulfillment of such construction requirements within a reasonable time following approval of the parcel map and prior to the issuance of a permit or other grant of approval for the development of a parcel upon a finding by the local agency that fulfillment of the construction requirements is necessary for reasons of:

- (1) The public health and safety; or,
- (2) The required construction is a necessary prerequisite to the orderly development of the surrounding area.

(Amended by Stats. 1977, Ch. 234. Effective July 7, 1977.)

Inapplicability

66412. This division shall be inapplicable to:

(a) The financing or leasing of apartments, offices, stores or similar space within apartment buildings, industrial buildings, commercial buildings, mobilehome parks, or trailer parks.

(b) Mineral, oil or gas leases.

(c) Land dedicated for cemetery purposes under the Health and Safety Code.

(d) A lot line adjustment between two or more existing adjacent parcels, where the land taken from one parcel is added to an adjacent parcel, and where a greater number of parcels than originally existed is not thereby created, provided the lot line adjustment is approved by the local agency, or advisory agency. A local agency or advisory agency shall limit its review and approval to a determination of whether or not the parcels resulting from the lot line adjustment will conform to local zoning and building ordinances. An advisory agency or local agency shall not impose conditions or exactions on its approval of a lot line adjustment except to conform to local zoning and building ordinances, or except to facilitate the relocation of existing utilities, infrastructure,

or easements. No tentative map, parcel map, or final map shall be required as a condition to the approval of a lot line adjustment. The lot line adjustment shall be reflected in a deed or record of survey which shall be recorded.

(e) Boundary line or exchange agreements to which the State Lands Commission or a local agency holding a trust grant of tide and submerged lands is a party.

(f) Any separate assessment under Section 2188.7 of the Revenue and Taxation Code.

(g) Unless a parcel or final map was approved by the legislative body of a local agency, the conversion of a community apartment project, as defined in Section 11004 of the Business and Professions Code, to a condominium, as defined in Section 783 of the Civil Code, but only if all of the following requirements are met:

(1) At least 75 percent of the units in the project were occupied by record owners of the project on March 31, 1982.

(2) A final or parcel map of the project was properly recorded, if the property was subdivided, as defined in Section 66424, after January 1, 1964, with all of the conditions of that map remaining in effect after the conversion.

(3) The local agency certifies that the above requirements were satisfied if the local agency, by ordinance, provides for that certification.

(h) Unless a parcel or final map was approved by the legislative body of a local agency, the conversion of a stock cooperative, as defined in Section 11003.2 of the Business and Professions Code, to a condominium, as defined in Section 783 of the Civil Code, but only if all of the following requirements are met:

(1) At least 51 percent of the units in the cooperative were occupied by stockholders of the cooperative on January 1, 1981, or individually owned by stockholders of the cooperative on January 1, 1981. As used in this paragraph, a cooperative unit is "individually owned" if and only if the stockholder of that unit owns or partially owns an interest in no more than one unit in the cooperative.

(2) No more than 25 percent of the shares of the cooperative were owned by any one person, as defined in Section 17, including an incorporator or director of the cooperative, on January 1, 1981.

(3) A person renting a unit in a cooperative shall be entitled at the time of conversion to

all tenant rights in state or local law, including, but not limited to, rights respecting first refusal, notice, and displacement and relocation benefits.

(4) The local agency certifies that the above requirements were satisfied if the local agency, by ordinance, provides for that certification.

(i) The leasing of, or the granting of an easement to, a parcel of land, or any portion or portions thereof, in conjunction with the financing, erection, and sale or lease of a windpowered electrical generation device on the land, if the project is subject to discretionary action by the advisory agency or legislative body.

(Amended by Stats. 1984, Ch. 306; Stats. 1985, Ch. 1504.)

Inapplicability

66412.1. This division shall also be inapplicable to:

(a) The financing or leasing of any parcel of land, or any portion thereof, in conjunction with the construction of commercial or industrial buildings on a single parcel, unless the project is not subject to review under other local agency ordinances regulating design and improvement.

(b) The financing or leasing of existing separate commercial or industrial buildings on a single parcel.

(Amended by Stats. 1982, Ch. 87. Effective March 1, 1982. No repealer.)

Applicability

66412.2. This division shall not apply to the construction, financing, or leasing of dwelling units pursuant to Section 65852.1 or second units pursuant to Section 65852.2, but this division shall be applicable to the sale or transfer, but not leasing, of those units.

(Added by Stats. 1983, Ch. 1013. Effective September 22, 1983.)

Consideration of regional housing needs

66412.3. In carrying out the provisions of this division, each local agency shall consider the effect of ordinances and actions adopted pursuant to this division on the housing needs of the region in which the local jurisdiction is situated and balance these needs against the public service needs of its residents and available fiscal and environmental resources.

(Amended and renumbered by Stats. 1983, Ch. 1013. Was formerly 66412.2. Effective September 22, 1983.)

Inapplicability

66412.5. When so provided by local ordinance, this division shall be inapplicable to subdivisions of four parcels or less for construction of removable commercial buildings having a floor area of less than 100 square feet.

**Minor land division
validation**

(Added by Stats. 1977, Ch. 412.)

66412.6. (a) For purposes of this division or of a local ordinance enacted pursuant thereto, any parcel created prior to March 4, 1972, shall be conclusively presumed to have been lawfully created if the parcel resulted from a division of land in which fewer than five parcels were created and if at the time of the creation of the parcel there was no local ordinance in effect which regulated divisions of land creating fewer than five parcels.

(b) For purposes of this division or of a local ordinance enacted pursuant thereto, any parcel created prior to March 4, 1972, shall be conclusively presumed to have been lawfully created if any subsequent purchaser acquired that parcel for valuable consideration without actual or constructive knowledge of a violation of this division or the local ordinance. Owners of parcels or units of land affected by the provisions of this subdivision shall be required to obtain a certificate of compliance or a conditional certificate of compliance pursuant to Section 66499.35 prior to obtaining a permit or other grant of approval for development of the parcel or unit of land. For purposes of determining whether the parcel or unit of land complies with the provisions of this division and of local ordinances enacted pursuant thereto, as required pursuant to subdivision (a) of Section 66499.35, the presumption declared in this subdivision shall not be operative.

(Amended by Stats. 1981, Ch. 1184.)

Effect of recordation

66412.7. A subdivision shall be deemed established for purposes of subdivision (d) of Section 66499.30 and any other provision of this division on the date of recordation of the final map or parcel map, except that in the case of (1) maps filed for approval prior to March 4, 1972, and subsequently approved by the local agency or (2) subdivisions exempted from map requirements by a certificate of exception (or the equivalent) applied for prior to such date and subsequently issued by the local agency pursuant to local ordinance, the subdivision shall be deemed established on the date the map or application for a certificate of exception (or the equivalent) was filed with the local agency.

(Added by Stats. 1980, Ch. 479.)

**Sale of parcels
created in
violation of SMA**

66412.8. (a) In addition to the presumption established by subdivision (b) of Section 66412.6, in a county of 20,000 square miles or more, a parcel created prior to March 4, 1972, in violation of the provisions of this division or

of a local ordinance enacted pursuant thereto, for which a permit or other grant of approval for development has not been issued, shall be conclusively presumed to be a legal parcel for purposes of sale by other than the owner of record at the time the violation occurred, if each of the following conditions are met:

(1) The seller gives written notice to the buyer as follows:

"NOTICE: This parcel has been created in violation of the Subdivision Map Act. You must obtain a certificate of compliance or conditional certificate of compliance prior to obtaining a permit or other grant of approval for development of the parcel. The conditions imposed may significantly restrict your ability to develop the parcel."

(2) At the time of sale, the seller causes to be filed for record with the recorder of the county in which the real property is located, the notice required by paragraph (1), including a detailed description of the real property, the name of the seller, and the name of the buyer.

Buyer's remedies

If the seller fails to give the notice required by paragraph (1), the buyer shall have those remedies provided by Sections 66499.32 and 66499.33.

(b) Buyers of land affected by the provisions of this section shall obtain a certificate of compliance or a conditional certificate of compliance pursuant to Section 66499.35 prior to obtaining a permit or other grant of approval for development of the parcel or unit of land. The presumption created by this section shall not be applicable in determining whether the parcel or unit of land complies with the provisions of this division and of local ordinances enacted pursuant thereto, for purposes of subdivision (a) of Section 66499.35.

Repealer

(c) This section shall remain in effect only until January 1, 1990, and as of that date is repealed, unless a later enacted statute, which is chaptered before January 1, 1990, deletes or extends that date.

(Added by Stats. 1984, Ch. 1201.)

Effect of annexation

66413. (a) When any area in a subdivision as to which a final map has been finally approved by a board of supervisors and filed for record pursuant to this division is thereafter annexed to a city, the final map and any agreements relating to *** the subdivision shall continue to govern *** the subdivision.

(b) When any area in a subdivision or proposed subdivision as to which a tentative map or

vesting tentative map has been filed but a final map has not been finally approved, or as to which a parcel map is required by this division or local ordinance but the final act required to make *** the parcel map effective has not been taken, is annexed to a city, all procedures and regulations required by this division or by local ordinance of the annexing city shall be deemed to commence as of the effective date of the annexation and the map shall comply with the requirements of any applicable ordinance of the city to which *** the area is annexed.

(Added by Stats. 1974, Ch. 1536. Effective March 1, 1975; Amended by Stats. 1986, Ch. 613.)

Article 2. Definitions

Definitions

66414. The definitions in this article apply to the provisions of this division only and do not affect any other provisions of law.

(Added by Stats. 1974, Ch. 1536. Effective March 1, 1975.)

"Advisory agency"

66415. "Advisory agency" means a designated official or an official body charged with the duty of making investigations and reports on the design and improvement of proposed divisions of real property, the imposing of requirements or conditions thereon, or having the authority by local ordinance to approve, conditionally approve or disapprove maps.

(Added by Stats. 1974, Ch. 1536. Effective March 1, 1975.)

"Appeal board"

66416. "Appeal board" means a designated board or other official body charged with the duty of hearing and making determinations upon appeals with respect to divisions of real property, the imposition of requirements or conditions thereon, or the kinds, nature and extent of the design or improvements, or both, recommended or decided by the advisory agency to be required.

(Added by Stats. 1974, Ch. 1536. Effective March 1, 1975.)

"County surveyor"

66417. "County surveyor" includes county engineer, if there is no county surveyor.

(Added by Stats. 1974, Ch. 1536. Effective March 1, 1975.)

"Design"

66418. "Design" means: (1) street alignments, grades and widths; (2) drainage and sanitary facilities and utilities, including alignments and grades thereof; (3) location and size of all required easements and rights-of-way; (4) fire roads and firebreaks; (5) lot size and

configuration; (6) traffic access; (7) grading; (8) land to be dedicated for park or recreational purposes; and (9) such other specific physical requirements in the plan and configuration of the entire subdivision as may be necessary to ensure consistency with, or implementation of, the general plan or any applicable specific plan .

(Added by Stats. 1974, Ch. 1536 [effective March 1, 1975]. Amended by Stats. 1984, Ch. 1187.)

"Development"

66418.1. "Development" means the uses to which the land which is the subject of a map shall be put, the buildings to be constructed on it, and all alteration of the land and construction incident thereto.

(Added by Stats. 1984, Ch. 1113. Operative January 1, 1986. See note following Section 66498.1.)

"Improvement"

66419. (a) "Improvement" refers to any street work and utilities to be installed, or agreed to be installed, by the subdivider on the land to be used for public or private streets, highways, ways, and easements, as are necessary for the general use of the lot owners in the subdivision and local neighborhood traffic and drainage needs as a condition precedent to the approval and acceptance of the final map thereof.

(b) "Improvement" also refers to any other specific improvements or types of improvements, the installation of which, either by the subdivider, by public agencies, by private utilities, by any other entity approved by the local agency, or by a combination thereof, is necessary to ensure consistency with, or implementation of, the general plan or any applicable specific plan .

(Added by Stats. 1974, Ch. 1536 [effective March 1, 1975]. Amended by Stats. 1984, Ch. 1187.)

"Local agency"

66420. "Local agency" means a city, county or March 1, 1975.)

"Local ordinance"

66421. "Local ordinance" refers to a local ordinance regulating the design and improvement of subdivisions, enacted by the legislative body of any local agency under the provisions of this division or any prior statute, regulating the design and improvements of subdivisions, insofar as the provisions of the ordinance are consistent with and not in conflict with the provisions of this division.

(Added by Stats. 1974, Ch. 1536. Effective March 1, 1975.)

(Section 66422 repealed by Stats. 1985, Ch. 114. Urgency; effective June 28, 1985.)

"Subdivider"

66423. "Subdivider" means a person, firm, corporation, partnership or association who proposes to divide, divides or causes to be divided real property into a subdivision for himself or for others except that employees and consultants of such persons or entities, acting in such capacity, are not "subdividers."

(Amended by Stats. 1976, Ch. 660.)

"Subdivision"

66424. "Subdivision" means the division, by any subdivider, of any unit or units of improved or unimproved land, or any portion thereof, shown on the latest equalized county assessment roll as a unit or as contiguous units, for the purpose of sale, lease or financing, whether immediate or future except for leases of agricultural land for agricultural purposes. Property shall be considered as contiguous units, even if it is separated by roads, streets, utility easement or railroad rights-of-way. "Subdivision" includes a condominium project, as defined in Section 1350 of the Civil Code, a community apartment project, as defined in Section 11004 of the Business and Professions Code, or the conversion of five or more existing dwelling units to a stock cooperative, as defined in Section 11003.2 of the Business and Professions Code. As used in this section, "agricultural purposes" means the cultivation of food or fiber or the grazing or pasturing of livestock.

(Amended by Stats. 1982, Ch. 87. Effective March 1, 1982. No repealer.)

Repeat subdivision

66424.1. Nothing in Section 66424 shall prevent a purchaser of a unit of land created under the provisions of this division or a local ordinance enacted pursuant thereto, from subdividing *** the land one or more times, pursuant to the provisions of this division prior to the time that an equalized county assessment roll has been completed reflecting the creation of the unit proposed to be subdivided.

Nothing contained in this chapter shall prevent the same subdivider of a unit of land created under the provisions of this division, or a local ordinance enacted pursuant thereto, from making consecutive subdivisions of the same parcel or any portion thereof.

Further, local agencies shall not, by ordinance or policy, prohibit consecutive subdivision of the same parcel or any portion thereof either by the same subdivider or a subsequent purchaser because the parcel was previously subdivided.

Nothing contained in this section shall limit the authority of a local agency to impose appropriate conditions or requirements on the consecutive subdivisions.

(Amended by Stats. 1977, Ch. 234. Effective July 7, 1977; Amended by Stats. 1986, Ch. 35.)

"Tentative map"

66424.5. (a) "Tentative map" refers to a map made for the purpose of showing the design and improvement of a proposed subdivision and the existing conditions in and around it and need not be based upon an accurate or detailed final survey of the property.

"Vesting tentative map"

(b) "Vesting tentative map" refers to a map which meets the requirements of subdivision (a) and Section 66452.

(Amended by Stats. 1984, Ch. 1113. Operative January 1, 1986. See note following Section 66498.1.)

**Designation of
remainder parcel/
finding**

66424.6. (a) When a subdivision, as defined in Section 66424, is of a portion of any unit or units of improved or unimproved land, the subdivider may designate as a remainder that portion which is not divided for the purpose of sale, lease, or financing. The designated remainder shall not be counted as a parcel for the purpose of determining whether a parcel map or final map is required.

(b) For a designated remainder parcel described in subdivision (a), the fulfillment of construction requirements for improvements shall not be required until a permit or other grant of approval for development of the remainder parcel is issued by the local agency or, where provided by local ordinance, until the construction of the improvements is required pursuant to an agreement between the subdivider and the local agency. In the absence of that agreement, a local agency may require fulfillment of the construction requirements within a reasonable time following approval of the final map and prior to the issuance of a permit or other grant of approval for the development of a remainder parcel upon a finding by the local agency that fulfillment of the construction requirements is necessary for reasons of:

(1) The public health and safety; or

(2) The required construction is a necessary prerequisite to the orderly development of the surrounding area.

(c) A designated remainder may subsequently be sold without any further requirement of the filing of a parcel map or final map, but the local agency may require a certificate of

compliance or conditional certificate of compliance.

(Added by Stats. 1979, Ch. 383; Amended by Stats. 1985, Ch. 1504.)

Chapter 2. Maps

Article 1. General Provisions

Applicability

66425. The necessity for tentative, final and parcel maps shall be governed by the provisions of this chapter.

(Added by Stats. 1974, Ch. 1536. Effective March 1, 1975.)

Requirements for map

66426. A tentative and final map shall be required for all subdivisions creating five or more parcels, five or more condominiums as defined in Section 783 of the Civil Code, a community apartment project containing five or more parcels, or for the conversion of a dwelling to a stock cooperative containing five or more dwelling units, except where:

Exceptions

(a) The land before division contains less than five acres, each parcel created by the division abuts upon a maintained public street or highway and no dedications or improvements are required by the legislative body, or

(b) Each parcel created by the division has a gross area of 20 acres or more and has an approved access to a maintained public street or highway, or

(c) The land consists of a parcel or parcels of land having approved access to a public street or highway which comprises part of a tract of land zoned for industrial or commercial development, and which has the approval of the governing body as to street alignments and widths, or

(d) Each parcel created by the division has a gross area of not less than 40 acres or is not less than a quarter of a quarter section.

A parcel map shall be required for those subdivisions described in subdivisions (a), (b), (c), and (d).

(Amended by Stats. 1979, Ch. 1192.)

Exceptions for conveyance to public agencies

66426.5. Any conveyance of land to a governmental agency, public entity, public utility or subsidiary of a public utility for conveyance to such public utility for rights-of-way shall not be considered a division of land for purposes of computing the number of parcels.

(Added by Stats. 1982, Ch. 87. Effective March 1, 1982. No repealer.)

Requirement for
condominiums,
community
apartments, or
cooperative
projects

66427. A map of a condominium project, a community apartment project, or of the conversion of five or more existing dwelling units to a stock cooperative project need not show the buildings or the manner in which the buildings or the airspace above the property shown on the map are to be divided, nor shall the governing body have the right to refuse approval of a parcel, tentative or final map of such a project on account of design or location of buildings on the property shown on the map not violative of local ordinances or on account of the manner in which airspace is to be divided in conveying the condominium. Fees and lot design requirements shall be computed and imposed with respect to such maps on the basis of parcels or lots of the surface of the land shown thereon as included in the project. Nothing herein shall be deemed to limit the power of the legislative body to regulate the design or location of buildings in such a project by or pursuant to local ordinances.

(Amended by Stats. 1979, Ch. 1192.)

Conversion findings

66427.1. The legislative body shall not approve a final map for a subdivision to be created from the conversion of residential real property into a condominium project, a community apartment project, or a stock cooperative project unless it finds all of the following:

(a) Each of the tenants of the proposed condominium, community apartment project or stock cooperative project has received, pursuant to Section 66452.9, written notification of intention to convert at least 60 days prior to the filing of a tentative map pursuant to Section 66452. There shall be a further finding that each such tenant, and each person applying for the rental of a unit in such residential real property, has, or will have, received all applicable notices and rights now or hereafter required by this chapter or Chapter 3 (commencing with Section 66451). In addition, a finding shall be made that each tenant has received 10 days' written notification that an application for a public report will be, or has been, submitted to the Department of Real Estate, and that such report will be available on request. The written notices to tenants required by this subdivision shall be deemed satisfied if such notices comply with the legal requirements for service by mail.

(b) Each of the tenants of the proposed condominium, community apartment project, or stock cooperative project has been, or will be, given written notification within 10 days of approval of a final map for the proposed conversion.

(c) Each of the tenants of the proposed condominium, community apartment project, or stock cooperative project has been, or will be, given 180 days' written notice of intention to convert prior to termination of tenancy due to the conversion or proposed conversion. The provisions of this subdivision shall not alter or abridge the rights or obligations of the parties in performance of their covenants, including, but not limited to, the provision of services, payment of rent or the obligations imposed by Sections 1941, 1941.1, and 1941.2 of the Civil Code.

(d) Each of the tenants of the proposed condominium, community apartment project, or stock cooperative project has been, or will be, given notice of an exclusive right to contract for the purchase of his or her respective unit upon the same terms and conditions that such unit will be initially offered to the general public on terms more favorable to the tenant. The right shall run for a period of not less than 90 days from the date of issuance of the subdivision public report pursuant to Section 11018.2 of the Business and Professions Code, unless the tenant gives prior written notice of his or her intention not to exercise the right.

(e) This section shall not diminish, limit or expand, other than as provided herein, the authority of any city, county, or city and county to approve or disapprove condominium projects.

(Amended by Stats. 1980, Ch. 1128. See note following Section 66424.)

**Applicability to
conversions**

66427.2. Unless applicable general or specific plans contain definite objectives and policies, specifically directed to the conversion of existing buildings into condominium projects or stock cooperatives, the provisions of Sections 66473.5, 66474, and 66474.61, and subdivision (c) of Section 66474.60 shall not apply to condominium projects or stock cooperatives, which consist of the subdivision of airspace in an existing structure, unless new units are to be constructed or added.

A city, county, or city and county acting pursuant to this section shall approve or disapprove the conversion of an existing building to a stock cooperative within 120 days following

receipt of a completed application for approval of such conversion.

This section shall not diminish, limit or expand, other than as provided herein, the authority of any city, county, or city and county to approve or disapprove condominium projects.

(Amended by Stats. 1979, Ch. 1192.)

66427.4. [Text of section operative until January 1, 1989.]

At the time of filing a tentative or parcel map for a subdivision to be created from the conversion of a mobilehome park to another use, the subdivider shall also file a report on the impact of the conversion upon the displaced residents of the mobilehome park to be converted. In determining the impact of the conversion on displaced mobilehome park residents, the report shall address the availability of adequate replacement space in mobilehome parks.

The subdivider shall make a copy of the report available to each resident of the mobilehome park at least 15 days prior to the hearing on the map by the advisory agency or, if there is no advisory agency, by the legislative body.

The legislative body, or an advisory agency which is authorized by local ordinance to approve, conditionally approve, or disapprove the map, shall be required to (a) take steps to mitigate any significant adverse impact of the conversion on the ability of displaced mobilehome park residents to find adequate space in a mobilehome park by zoning for additional replacement housing, (b) find that there already exists land zoned for replacement housing or adequate space in other mobilehome parks for those residents who will be displaced, (c) require the subdivider to take steps to mitigate any significant adverse impact of the conversion on the ability of displaced mobilehome park residents to find adequate space in a mobilehome park, or (d) make a finding, based upon substantial evidence, that mitigation pursuant to subparagraphs (a) and (c) is not feasible. Such finding shall be reviewable pursuant to Section 1094.5 of the Code of Civil Procedure. As used herein, "feasible" shall mean capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, social, and technological factors.

This section establishes a minimum standard for local regulation of conversions of mobilehome parks into other uses and shall not prevent a

**Report:
Impact of mobilehome
park conversion
(effective until
1/1/89)**

Finding required

Repealer

local agency from enacting more stringent measures.

This section shall remain in effect only until January 1, 1989, and as of such date is repealed, unless a later enacted statute, which is chaptered before January 1, 1989, deletes or extends such date.

(Amended by Stats. 1982, Ch. 983.)

Note: Stats. 1982, Ch. 983, also reads:

Report:
Impact of mobilehome
park conversion
(operative 1/1/89)

SEC 2. 66427.4. [Text of section operative January 1, 1989.]

At the time of filing a tentative or parcel map for a subdivision to be created from the conversion of a mobilehome park to another use, the subdivider shall also file a report on the impact of the conversion upon the displaced residents of the mobilehome park to be converted. In determining the impact of the conversion on displaced mobilehome park residents, the report shall address the availability of adequate replacement space in mobilehome parks.

The subdivider shall make a copy of the report available to each resident of the mobilehome park at least 15 days prior to the hearing on the map by the advisory agency or, if there is no advisory agency, by the legislative body.

The legislative body, or an advisory agency which is authorized by local ordinance to approve, conditionally approve, or disapprove the map, may require the subdivider to take steps to mitigate any adverse impact of the conversion on the ability of displaced mobilehome park residents to find adequate space in a mobilehome park.

This section establishes a minimum standard for local regulation of conversions of mobilehome parks into other uses and shall not prevent a local agency from enacting more stringent measures.

This section shall become operative January 1, 1989.

(Added by Stats. 1982, Ch. 983. Operative January 1, 1989.)

Tentative maps
required

66428. Local ordinances may require a tentative map where a parcel map is required by this chapter. A parcel map shall be required for subdivisions as to which a final or parcel map is not otherwise required by this chapter, unless the preparation of such parcel map is waived by local ordinance as provided in this section. A parcel map shall not be required for: (1) subdivisions of a portion of the operating right-of-way of a railroad corporation defined as such by Section 230 of the Public Utilities Code,

which are created by short-term leases (terminable by either party on not more than 30 days' notice in writing), or (2) land conveyed to or from a governmental agency, public entity, public utility, or for land conveyed to a subsidiary of a public utility for conveyance to such public utility for rights-of-way, unless a showing is made in individual cases, upon substantial evidence, that public policy necessitates such a parcel map.

**Waiver of parcel map:
Finding of
compliance with
local requirements**

A local agency shall, by ordinance, provide a procedure for waiving the requirement for a parcel map, imposed by this division, including the requirements for a parcel map imposed by Section 66426. The procedure may include provisions for waiving the requirement for a tentative and final map for the construction of a condominium project on a single parcel. The ordinance shall require a finding by the legislative body or advisory agency, that the proposed division of land complies with such requirements as may have been established by this division or local ordinance enacted pursuant thereto as to area, improvement and design, floodwater drainage control, appropriate improved public roads, sanitary disposal facilities, water supply availability, environmental protection, and other requirements of this division or local ordinance enacted pursuant thereto. In any case, where the requirement for a parcel map is waived by local ordinance pursuant to provisions of this section, a tentative map may be required by local ordinance.

Vesting tentative map

If a local ordinance does not require a tentative map where a parcel map is required by this division, the subdivider shall have the option of submitting a tentative map or if he or she desires to obtain the rights conferred by Chapter 4.5 (commencing with Section 66498.1), a vesting tentative map.

(Amended by Stats. 1984, Ch. 1113. Operative January 1, 1984. See note following Section 66498.1.)

Recording maps

66429. Of the maps required by this division, only final and parcel maps may be filed for record in the office of the county recorder.

(Added by Stats. 1974, Ch. 1536. Effective March 1, 1975.)

Consent of all owners

66430. No final map or parcel map required by this chapter or local ordinance which creates a subdivision shall be filed with the local agency without the written consent of all parties having any record title interest in the real property

proposed to be subdivided, except as otherwise provided in this division.

(Added by Stats. 1974, Ch. 1536. Effective March 1, 1975.)

**Duties of county
surveyor/city
engineer**

66431. Upon mutual agreement of their respective legislative bodies, the county surveyor may perform any or all of the duties assigned to the city engineer, including required certifications. Whenever such duties have been divided between the county surveyor and city engineer, each officer shall certify to the duties performed by him.

(Added by Stats. 1974, Ch. 1536. Effective March 1, 1975.)

Article 2. Final Maps

Applicability

66433. The content and form of final maps shall be governed by the provisions of this article.

(Added by Stats. 1974, Ch. 1536. Effective March 1, 1975.)

Content of final map

66434. The final map shall be prepared by or under the direction of a registered civil engineer or licensed land surveyor, shall be based upon a survey, and shall conform to all of the following provisions:

Materials

(a) It shall be legibly drawn, printed, or reproduced by a process guaranteeing a permanent record in black on tracing cloth or polyester base film. Certificates, affidavits, and acknowledgments may be legibly stamped or printed upon the map with opaque ink. If ink is used on polyester base film, the ink surface shall be coated with a suitable substance to assure permanent legibility.

Size and scale

(b) The size of each sheet shall be 18 by 26 inches. A marginal line shall be drawn completely around each sheet, leaving an entirely blank margin of one inch. The scale of the map shall be large enough to show all details clearly and enough sheets shall be used to accomplish this end. The particular number of the sheet and the total number of sheets comprising the map shall be stated on each of the sheets, and its relation to each adjoining sheet shall be clearly shown.

Survey information

(c) All survey and mathematical information and data necessary to locate all monuments and to locate and retrace any and all interior and exterior boundary lines appearing thereon shall be shown, including bearings and distances of straight lines, and radii and arc length or chord

bearings and length for all curves, and any information which may be necessary to determine the location of the centers of curves and ties to existing monuments used to establish the subdivision boundaries.

Numbered parcels

(d) Each parcel shall be numbered and each block may be numbered or lettered. Each street shall be named or otherwise designated.

Exterior boundaries

(e) The exterior boundary of the land included within the subdivision shall be indicated by distinctive symbols and clearly so designated. The map shall show the definite location of the subdivision, and particularly its relation to surrounding surveys.

If the map includes a "designated remainder" parcel, and the gross area of the "designated remainder" parcel or similar parcel is five acres or more, that remainder parcel need not be shown on the map and its location need not be indicated as a matter of survey, but only by deed reference to the existing boundaries of the remainder parcel.

Local map requirements

A parcel designated as "not a part" shall be deemed to be a "designated remainder" for purposes of this section.

(f) On and after January 1, 1987, no additional requirements shall be included which do not affect record title interests. However, the map shall contain a notation or reference to additional information required by a local ordinance adopted pursuant to Section 66434.2.

(Amended by Stats. 1982, Ch. 87. Effective March 1, 1982. No repealer; Stats. 1985, Ch. 1504.)

Owner's development lien

66434.1. In the event that an owner's development lien has been created pursuant to the provisions of Article 2.5 (commencing with Section 39327) of Chapter 3 of Part 23 of the Education Code on the real property or portion thereof subject to the final map, a notice shall be placed on the face of the final map specifically referencing the book and page in the county recorder's office in which the resolution creating the owner's development lien was recorded. The notice shall state that the property subdivided is subject to an owner's development lien and that each parcel created by the recordation of the final map shall be subject to a prorated amount of the owner's development lien on a per acre or portion thereof basis.

(Added by Stats. 1979, Ch. 282. Effective July 24, 1979.)

Local option to require additional

66434.2. (a) On or after January 1, 1987, a city or county may, by ordinance, require

data

additional information to be filed or recorded simultaneously with a final or parcel map. The additional information shall be in the form of a separate document or an additional map sheet which shall indicate its relationship to the final or parcel map, and shall contain a statement that the additional information is for informational purposes, describing conditions as of the date of filing, and is not intended to affect record title interest. The document or additional map sheet may also contain a notation that the additional information is derived from public records or reports, and does not imply the correctness or sufficiency of those records or reports by the preparer of the document or additional map sheet.

Local option to
require additional
survey and map
information

(b) Additional survey and map information may include, but need not be limited to: building setback lines, flood hazard zones, seismic lines and setbacks, geologic mapping, and archaeological sites.

(Added by Stats. 1985, Ch. 883.)

Filing of soils
reports

66434.5. When a soils report, geologic report, or soils and geologic report has been prepared specifically for the subdivision, each report shall be kept on file for public inspection by the city or county having jurisdiction.

(Amended by Stats. 1982, Ch. 87. Effective March 1, 1982. No repealer.)

Certificates and
acknowledgments

66435. Prior to filing, those certificates and acknowledgments set forth in this article shall appear on the final map and may be combined where appropriate.

(Added by Stats. 1974, Ch. 1536. Effective March 1, 1975.)

Recording separate
instruments

66435.1. Notwithstanding any other provision of this article, local agencies may require that those certificates and acknowledgments required by Sections 66436 and 66443, be made by separate instrument to be recorded concurrently with the final map being filed for record.

Added by Stats. 1982, Ch. 87. Effective March 1, 1982. No repealer.)

Referencing on
final map

66435.2. Whenever a certificate or acknowledgment is made by separate instrument, there shall appear on the final map a reference to the separately recorded document. This reference shall be completed by the county recorder pursuant to Section 66468.1.

(Added by Stats. 1982, Ch. 87. Effective March 1, 1982. No repealer.)

Owners' consent

66436. (a) A certificate, signed and acknowledged by all parties having any record title interest in the subdivided real

Exclusions

property, consenting to the preparation and recordation of the final map is required, except *** in the following circumstances:

(1) *** A lien for state, county, municipal, or local taxes, *** or special assessments, *** a trust interest under bond indentures, *** or mechanics' liens do not constitute a record title interest in land for the purpose of this chapter or any local ordinance.

(2) The signature of either the holder of beneficial interests under trust deeds or the trustee under the trust deeds, but not both, may be omitted. The signature of either shall constitute a full and complete subordination of the lien of the deed of trust to the map and any interest created by the map.

(3) Signatures of parties owning the following types of interests may be omitted if their names and the nature of their respective interests are stated on the final map:

(A) (i) Rights-of-way, easements or other interests which cannot ripen into a fee, except those owned by a public entity, public utility, or subsidiary of a public utility for conveyance to the public utility for rights-of-way. If, however, the legislative body or advisory agency determines that division and development of the property in the manner set forth on the approved or conditionally approved tentative map will not unreasonably interfere with the free and complete exercise of the public entity or public utility right-of-way or easement, the signature of the public entity or public utility may be omitted. Where that determination is made, the subdivider shall send, by certified mail, a sketch of the proposed final map, together with a copy of this section, to any public entity or public utility which has previously acquired a right-of-way or easement.

(ii) If the public entity or utility objects to either *** recording the final map without its signature *** or *** the determination of the legislative body or advisory agency that the division and development of the property will not unreasonably interfere with the full and complete exercise of its right-of-way or easement, it shall so notify the subdivider and the legislative body or advisory agency within 30 days after receipt of the materials from the subdivider.

(iii) If the public entity or utility objects to recording the final map without its signature, the public entity or utility so objecting may affix its signature to the final map within 30

days of filing its objection with the legislative body or advisory agency.

(iv) If the public entity or utility either *** does not file an objection with the legislative body or advisory agency *** or *** fails to affix its signature within 30 days of filing its objection to recording the map without its signature, the local agency may record the final map without *** the signature.

(v) If the public entity or utility files an objection to the determination of the legislative body or advisory agency that the division and development of the property will not unreasonably interfere with the exercise of its right-of-way or easement, the legislative body or advisory agency shall set the matter for public hearing to be held not less than 10 nor more than 30 days of receipt of the objection. At the hearing, the public entity or public utility shall present evidence in support of its position that the division and development of the property will unreasonably interfere with the free and complete exercise of the objector's right-of-way or easement.

(vi) If the legislative body or advisory agency finds, following the hearing, that the development and division will in fact unreasonably interfere with the free and complete exercise of the objector's right-of-way or easement, it shall set forth those conditions whereby the unreasonable interference will be eliminated and upon compliance with those conditions by the subdivider, the final map may be recorded with or without the signature of the objector. If the legislative body or advisory agency finds that the development and division will in fact not unreasonably interfere with the free and complete exercise of the objector's right-of-way or easement, the final map may be recorded without the signature of the objector, notwithstanding *** the objections.

(vii) Failure of the public entity or public utility to file an objection pursuant to this section shall in no way affect its rights under a right-of-way or easement.

(B) Rights-of-way, easements, or reversions, which by reason of changed conditions, long disuse, or laches appear to be no longer of practical use or value and signatures are impossible or impractical to obtain. A statement of the circumstances preventing the procurement of the signatures shall also be stated on the map.

(C) Interests in, or rights to, minerals, including but not limited to, oil, gas, or other hydrocarbon substances.

(4) Real property originally patented by the United States or by the State of California, which original patent reserved interest to either or both of those entities, may be included in the final map without the consent of the United States or the State of California to the map or to dedications made by it.

(b) No monetary liability shall be incurred by, and no cause of action shall arise against, a local agency, a party, the subdivider, the subdivider's agent, or the engineer or land surveyor who prepared the map, on account of the omission of any signature, which omission is authorized by this section.

(c) A notary acknowledgement shall be deemed complete for recording without the official seal of the notary, so long as the name of the notary, the county of the notary's principal place of business, and the notary's commission expiration date are typed or printed below the notary's signature in the acknowledgement.

(Amended by Stats. 1982, Ch. 87. Effective March 1, 1982. No repealer. Amended by Stats. 1985, Ch. 1504; Amended by Stats. 1986, Ch. 789.)

Dedications

66439. Dedications of or offers to dedicate interests in real property for specified public purposes shall be made by a certificate on the final map, signed and acknowledged by those parties having any record title interest in the real property being subdivided, subject to the provisions of Section 66436.

In the event any street shown on a final map is not offered for dedication, the certificate may contain a statement to this effect. If such statement appears on the final map and if the map is approved by the legislative body, the use of any such street or streets by the public shall be permissive only.

An offer of dedication of real property for street or public utility easement purposes shall be deemed not to include any public utility facilities located on or under such real property unless and only to the extent and intent to dedicate such facilities is expressly stated in the certificate.

(Amended by Stats. 1975, Ch. 24. Effective April 4, 1975.)

Acceptance/rejection of dedication

66440. The final map shall contain a certificate for execution by the clerk of each approving legislative body stating that the body approved the map and accepted, accepted subject

to improvement, or rejected, on behalf of the public, any real property offered for dedication for public use in conformity with the terms of the offer of dedication.

(Added by Stats. 1974, Ch. 1536. Effective March 1, 1975.)

Certificate

66441. A certificate by the engineer or surveyor responsible for the survey and final map is required. His certificate shall give the date of the survey, state that the survey and final map were made by him or under his direction, and that the survey is true and complete as shown.

The certificate shall also state that all the monuments are of the character and occupy the positions indicated, or that they will be set in such positions on or before a specified later date. The certificate shall also state that the monuments are, or will be, sufficient to enable the survey to be retraced.

(Added by Stats. 1974, Ch. 1536. Effective March 1, 1975.)

Certification by city engineer/ county surveyor

66442. (a) If a subdivision for which a final map is required lies within an unincorporated area, a certificate by the county surveyor and, if such subdivision lies within a city, a certificate by the city engineer is required. The appropriate official shall state that:

(1) He has examined the map.

(2) The subdivision as shown is substantially the same as it appeared on the tentative map, and any approved alterations thereof.

(3) All provisions of this chapter and of any local ordinances applicable at the time of approval of the tentative map have been complied with.

(4) He is satisfied that the map is technically correct.

(b) The county surveyor or the city engineer, as the case may be, or other public official or employee qualified and authorized to perform the functions of either, shall complete and file with his legislative body his certificate as required by this section within 20 days from the time the final map is submitted to him by the subdivider for approval.

(Added by Stats. 1974, Ch. 1536. Effective March 1, 1975.)

Local requirements

66443. In addition to the certificates and acknowledgments required herein for final maps, such maps shall contain such other certificates and acknowledgments as are required by local ordinance.

(Added by Stats. 1974, Ch. 1536. Effective March 1, 1975.)

Article 3. Parcel Maps

Applicability

66444. The content and form of parcel maps shall be governed by the provisions of this article.

(Added by Stats. 1974, Ch. 1536. Effective March 1, 1975.)

Parcel map: Preparation, content and procedures

66445. The parcel map shall be prepared by or under the direction of a registered civil engineer or licensed land surveyor, shall show the location of streets and property lines bounding the property and shall conform to all of the following provisions:

Materials

(a) It shall be legibly drawn, printed or reproduced by a process guaranteeing a permanent record in black on tracing cloth or polyester base film. Certificates, affidavits, and acknowledgments may be legibly stamped or printed upon the map with opaque ink. If ink is used on polyester base film, the ink surface shall be coated with a suitable substance to assure permanent legibility.

Size and scale

(b) The size of each sheet shall be 18 by 26 inches. A marginal line shall be drawn completely around each sheet, leaving an entirely blank margin of one inch. The scale of the map shall be large enough to show all details clearly and enough sheets shall be used to accomplish this end. The particular number of the sheet and the total number of sheets comprising the map shall be stated on each of the sheets, and its relation to each adjoining sheet shall be clearly shown.

Numbered parcels

(c) Each parcel shall be numbered and each block may be numbered or lettered. Each street shall be named or otherwise designated.

Exterior boundaries

(d) The exterior boundary of the land included within the subdivision shall be indicated by distinctive symbols and clearly so designated.

Location of parcels

The map shall show the location of each parcel and its relation to surrounding surveys. If the map includes a "designated remainder" parcel or similar parcel, and the gross area of the "designated remainder" parcel or similar parcel is five acres or more, that remainder parcel need not be shown on the map and its location need not be indicated as a matter of survey, but only by deed reference to the existing boundaries of the remainder parcel.

A parcel designated as "not a part" shall be deemed to be a "designated remainder" for purposes of this section.

Owner's consent

(e) Subject to the provisions of Section 66436, a certificate, signed and acknowledged by all

parties having any record title interest in the real property subdivided, consenting to the preparation and recordation of the parcel map is required, except that less inclusive requirements may be provided by local ordinance.

With respect to a division of land into four or fewer parcels, where dedications or offers of dedications are not required, the certificate shall be signed and acknowledged by the subdivider only. If the subdivider does not have a record title ownership interest in the property to be divided, the local agency may require that the subdivider provide the local agency with satisfactory evidence that the persons with record title ownership have consented to the proposed division. For purposes of this paragraph, "record title ownership" shall mean fee title of record unless a leasehold interest is to be divided, in which case "record title ownership" shall mean ownership of record of such leasehold interest; "record title ownership" does not include ownership of mineral rights or other subsurface interests which have been severed from ownership of the surface.

(f) Notwithstanding any other provision of this article, local agencies may require that those certificates and acknowledgments required pursuant to subdivision (e) be made by separate instrument to be recorded concurrently with the parcel map being filed for record.

Local requirement

(g) On and after January 1, 1987, no additional survey and map requirements shall be included on a parcel map which do not affect record title interests. However, the map shall contain a notation of reference to survey and map information required by a local ordinance adopted pursuant to Section 66434.2.

**Final map
reference to
separate instrument**

(h) Whenever a certificate or acknowledgment is made by separate instrument, there shall appear on the final map a reference to the separately recorded document. This reference shall be completed by the county recorder pursuant to Section 66468.1.

**Certification of
monument location**

(i) If a field survey was performed, the parcel map shall contain a certificate by the engineer or surveyor responsible for the preparation of the map that states that all monuments are of the character and occupy the positions indicated, or that they will be set in those positions on or before a specified date, and that the monuments are, or will be, sufficient to enable the survey to be retraced.

(Amended by Stats. 1983, Ch. 1195; Stats. 1985, Ch. 1504.)

Dedications or offers

66447. If dedications or offers of dedication are required, they may be made either by certificate on the parcel map or by separate instrument, as provided by local ordinance. If dedications or offers of dedication are made by separate instrument, such dedications or offers of dedication shall be recorded concurrently with, or prior to, the parcel map being filed for record.

Such dedication or offers of dedication, whether by certificate or separate instrument, shall be signed by the same parties and in the same manner as set forth in Section 66439 for dedications by a final map.

(Added by Stats. 1974, Ch. 1536. Effective March 1, 1975.)

Field survey

66448. In all cases where a parcel map is required, such map shall be based upon a field survey made in conformity with the Land Surveyors Act when required by local ordinance, or, in absence of such requirement, shall be based either upon a field survey made in conformity with the Land Surveyors Act or be compiled from recorded or filed data when sufficient survey information exists on filed maps to locate and retrace the exterior boundary lines of the parcel map if the location of at least one of these boundary lines can be established from an existing monumented line.

(Added by Stats. 1974, Ch. 1536. Effective March 1, 1975.)

Necessary certificates

66449. The following certificates shall appear on a parcel map:

(a) Engineer's (surveyor's) certificate:

This map was prepared by me or under my direction (and was compiled from record data) (and is based upon a field survey) in conformance with the requirements of the Subdivision Map Act and local ordinance at the request of (name of person authorizing map) on (date). I hereby state that this parcel map substantially conforms to the approved or conditionally approved tentative map, if any.

(Signed) _____

R.C.E. (or L.S.) No. _____

(b) Recorder's certificate.

Filed this _____ day of _____, 19____,
at _____ m. in Book _____ of _____, at page _____,
at the request of _____.

Signed _____

County Recorder

(Amended by Stats. 1978, Ch. 335.)

**City or county
certificate**

66450. If a subdivision for which a parcel map is required lies within unincorporated territory, the parcel map shall be submitted to the county surveyor for his examination prior to filing, and if such subdivision lies within a city, the parcel map shall be submitted to the city engineer for his examination prior to filing.

Within 20 days after receiving the parcel map, such officer or officers shall examine it for the survey information shown thereon, and if satisfied that it is technically correct, the following certification shall be placed on the map.

County Surveyor's Certificate
(or City Engineer's Certificate)

This map conforms with the requirements of the Subdivision Map Act and local ordinance.

Dated: _____.

Signed: _____

County surveyor/city engineer

(Amended by Stats. 1975, Ch. 24. Effective April 4, 1975.)

Chapter 3. Procedure

Article 1. General Provisions

Applicability

66451. The procedures set forth in this chapter shall govern the processing, approval, conditional approval or disapproval and filing of tentative, final and parcel maps and the modification thereof. Local ordinances may modify such procedures to the extent authorized by this chapter.

(Added by Stats. 1974, Ch. 1536. Effective March 1, 1975.)

**Extension of
time limits**

66451.1. (a) The time limits specified in this chapter for reporting and acting on maps may be extended by mutual consent of the subdivider and the advisory agency or legislative body required to report or act. However, no advisory agency or legislative body, may require a routine waiver of time limits as a condition of accepting the application for, or processing of tentative, final, or parcel maps, unless the routine waiver is obtained for the purpose of permitting concurrent processing of related approvals or an environmental review on the same development project.

(b) At the time that the subdivider makes an application pursuant to this division, a local

agency shall determine whether or not it is able to meet the time limits specified in this chapter for reporting and acting on maps. If the local agency determines that it will be unable to meet such time limits, such agency shall, upon request of a subdivider and for the purpose of meeting such time limits, contract or employ a private entity or persons on a temporary basis to perform such services as necessary to permit the agency to meet such time limits. However, a local agency need not enter into such a contract or employ such persons if it determines either that (1) no such entities or persons are available or qualified to perform such services or (2) the local agency would be able to perform services in a more rapid fashion than would any available and qualified persons or entities.

Such entities or persons employed by a local agency may, pursuant to an agreement with the local agency, perform all functions necessary to process tentative, final, and parcel maps and to comply with other requirements imposed pursuant to this division or by local ordinances adopted pursuant to this division, except those functions reserved by this division or local ordinance to the legislative body. A local agency may charge the subdivider fees in an amount necessary to defray costs directly attributable to employing or contracting with entities or persons performing services pursuant to this section.

(Amended by Stats. 1980, Ch. 1152.)

66451.2. The local agency may establish reasonable fees for the processing of tentative, final and parcel maps and for other procedures required or authorized by this division or local ordinance, but the fees shall not exceed the amount reasonably required by such agency to administer the provisions of this division. The fees shall be imposed pursuant to Chapter 13 (commencing with Section 54990) of Part 1 of Division 2 of Title 5.

(Amended by Stats. 1981, Ch. 914.)

66451.3. (a) Unless otherwise provided by this division, notice of a hearing held pursuant to this division shall be given pursuant to Sections 65090 and 65091.

(b) If the proposed subdivision is a conversion of residential real property to a condominium project, community apartment project, or stock cooperative project, the notice shall also be given by the local agency by United States mail to each tenant of the subject property, and shall also include notification of the tenant's right to appear and be heard. The

Fees

Public hearing notice

requirements of this subdivision may be satisfied by service of the notice in compliance with the requirements for service of legal process by mail.

(c) Pursuant to Section 66451.2, fees may be collected from the subdivider for expenses incurred under this section.

(d) Any interested person may appear at the hearing and shall be heard.

(Amended by Stats. 1984, Ch. 1009.)

(Section 66451.4 repealed by Stats. 1984, Ch. 1009.)

(Section 66451.5 repealed by Stats. 1984, Ch. 1009.)

**Prohibition of fees
as condition to
map approval for
mobilehome park
conversion**

66451.6. No fee shall be charged by a local agency as a condition to the approval of a tentative, final, or parcel map for a subdivision, or a division of land which is not a subdivision, which consists of the conversion of a mobilehome park to condominium or stock cooperative ownership interests, except regulatory fees charged for the issuance of a permit and those fees authorized by Section 66451.2.

(Added by Stats. 1984, Ch. 286.)

Article 1.5. Merger of Parcels

**Exclusive authority
for merger of
contiguous parcels**

66451.10. (a) Notwithstanding Section 66424, except as is otherwise provided for in this article, two or more contiguous parcels or units of land which have been created under the provisions of this division, or any prior law regulating the division of land, or a local ordinance enacted pursuant thereto, or which were not subject to **those** provisions at the time of their creation, shall not be deemed merged by virtue of the fact that **the** contiguous parcels or units are held by the same owner, and no further proceeding under the provisions of this division or a local ordinance enacted pursuant thereto shall be required for the purpose of sale, lease, or financing of **the** contiguous parcels or units, or any of them.

(b) This article shall provide the sole and exclusive authority for ***** local agency initiated** merger of contiguous parcels. On and after January 1, 1984, parcels may be merged by local agencies only in accordance with the authority and procedures prescribed by this

article. This exclusive authority does not, however, abrogate or limit the authority of a local agency or a subdivider with respect to the following procedures within this division:

- (1) Lot line adjustments.
- (2) Amendment or correction of a final or parcel map.
- (3) Reversions to acreage.
- (4) Exclusions.
- (5) Tentative, parcel, or final maps which create fewer parcels.

(Added by Stats. 1983, Ch. 845; Amended by Stats. 1986, Ch. 727. Urgency; effective September 14, 1986.)

Note: Stats. 1983, Ch. 845, also reads:

Uncodified policy

SEC. 4. The repeal of subdivision (b) of Section 66424.2, by Section 1 of this act, shall not be construed to affect the status of any parcel deemed unmerged pursuant to that subdivision. Any parcel unmerged pursuant to that subdivision, and which has not subsequently been merged, shall for the purposes of this act be considered a separate parcel.

Requirements for merger of contiguous parcels of common ownership

66451.11. A local agency may, by ordinance which conforms to and implements the procedures prescribed by this article, provide for the merger of a parcel or unit with a contiguous parcel or unit held by the same owner if any one of the contiguous parcels or units held by the same owner does not conform to standards for minimum parcel size, under the zoning ordinance of the local agency applicable to the parcels or units of land and if all of the following requirements are satisfied:

(a) At least one of the affected parcels is undeveloped by any structure for which a building permit was issued or for which a building permit was not required at the time of construction, or is developed only with an accessory structure or accessory structures, or is developed with a single structure, other than an accessory structure, that is also partially sited on a contiguous parcel or unit.

(b) With respect to any affected parcel, one or more of the following conditions exists:

(1) Comprises less than 5,000 square feet in area at the time of the determination of merger.

(2) Was not created in compliance with applicable laws and ordinances in effect at the time of its creation.

(3) Does not meet current standards for sewage disposal and domestic water supply.

(4) Does not meet slope stability standards.

(5) Has no legal access which is adequate for vehicular and safety equipment access and maneuverability.

(6) Its development would create health or safety hazards.

(7) Is inconsistent with the applicable general plan and any applicable specific plan, other than minimum lot size or density standards.

The ordinance may establish the standards specified in paragraphs (3) to (7), inclusive, which shall be applicable to parcels to be merged.

For purposes of determining whether contiguous parcels are held by the same owner, ownership shall be determined as of the date that notice of intention to determine status is recorded.

This subdivision shall not apply if one of the following conditions exist:

(A) On or before July 1, 1981, one or more of the contiguous parcels or units of land is enforceably restricted open-space land pursuant to a contract, agreement, scenic restriction, or open-space easement, as defined and set forth in Section 421 of the Revenue and Taxation Code.

(B) On July 1, 1981, one or more of the contiguous parcels or units of land is timberland as defined in subdivision (f) of Section 51104, or is land devoted to an agricultural use as defined in subdivision (b) of Section 51201.

(C) On July 1, 1981, one or more of the contiguous parcels or units of land is located within 2,000 feet of the site on which an existing commercial mineral resource extraction use is being made, whether or not the extraction is being made pursuant to a use permit issued by the local agency.

(D) On July 1, 1981, one or more of the contiguous parcels or units of land is located within 2,000 feet of a future commercial mineral extraction site as shown on a plan for which a use permit or other permit authorizing commercial mineral resource extraction has been issued by the local agency.

(E) Within the coastal zone, as defined in Section 30103 of the Public Resources Code, one or more of the contiguous parcels or units of land has, prior to July 1, 1981, been identified or designated as being of insufficient size to support residential development and where the identification or designation has either (i) been included in the land use plan portion of a local coastal program prepared and adopted pursuant to the California Coastal Act of 1976 (Division 20 of the Public Resources Code), or (ii) prior to

the adoption of a land use plan, been made by formal action of the California Coastal Commission pursuant to the provisions of the California Coastal Act of 1976 in a coastal development permit decision or in an approved land use plan work program or an approved issue identification on which the preparation of a land use plan pursuant to the provisions of the California Coastal Act is based.

For purposes of paragraphs (C) and (D) of this subdivision, "mineral resource extraction" means gas, oil, hydrocarbon, gravel, or sand extraction, geothermal wells, or other similar commercial mining activity.

(Amended by Stats. 1984, Ch. 102. Effective April 30, 1984. See note following Section 66451.10; Amended by Stats. 1985, Ch. 796. Urgency; effective September 19, 1985.)

Uncodified policy

Note: Stats. 1984, Ch. 102, also reads:

SEC. 5.6. It is the intent of the Legislature, in amending the first paragraph of Section 66451.11 of the Government Code, to restore the preexisting requirement of law that established as a necessary precondition for a merger of contiguous parcels or units of land held in common ownership the requirement that one or more of the parcels or units of land not conform to standards for minimum parcel size to permit use or development under the zoning ordinance of the local agency applicable to any such parcels or units of land. The restoration of this requirement is intended to correct its inadvertent deletion in Chapter 845 of the Statutes of 1983 and shall therefore be construed as not constituting a change in, but, as declaratory of preexisting law.

It is further the intent of the Legislature in repealing Sections 66451.25 to 66451.29, inclusive, and in amending Section 66451.19, of the Government Code, to relieve counties of the obligation to mail a general notice of potential mergers, in that specific notices are required to be given pursuant to Sections 66451.13 and 66451.19 of the Government Code, as amended by this act.

It is also the intent of the Legislature in eliminating the delayed operative date of July 1, 1984, formerly contained in Sections 66451.11 to 66451.18, inclusive, of the Government Code, that a local agency may adopt a merger ordinance which complies with these provisions, and which may then become effective on or after the effective date of this act, rather than on or after July 1, 1984.

Effective date
of merger

66451.12. A merger of parcels becomes effective when the local agency causes to be filed for record with the recorder of the county in which the real property is located, a notice of merger specifying the names of the record owners and particularly describing the real property.

(Amended by Stats. 1984, Ch. 102. Effective April 30, 1984. See notes following Sections 66451.10 and 66451.11.)

Notice of hearing
of intention to
determine status

66451.13. Prior to recording a notice of merger, the local agency shall cause to be mailed by certified mail to the then current record owner of the property a notice of intention to determine status, notifying the owner that the affected parcels may be merged pursuant to standards specified in the merger ordinance, and advising the owner of the opportunity to request a hearing on determination of status and to present evidence at the hearing that the property does not meet the criteria for merger. The notice of intention to determine status shall be filed for record with the recorder of the county in which the real property is located on the date that notice is mailed to the property owner.

(Amended by Stats. 1984, Ch. 102. Effective April 30, 1984. See notes following Sections 66451.10 and 66451.11.)

Owner's request for
hearing on deter-
mination of status

66451.14. At any time within 30 days after recording of the notice of intention to determine status, the owner of the affected property may file with the local agency a request for a hearing on determination of status.

(Amended by Stats. 1984, Ch. 102. See notes following Sections 66451.10 and 66451.11.)

Hearing on deter-
mination of status

66451.15. Upon receiving a request for a hearing on determination of status from the owner of the affected property pursuant to Section 66451.14, the local agency shall fix a time, date, and place for a hearing to be conducted by the legislative body or an advisory agency, and shall notify the property owner of that time, date, and place for the hearing by certified mail. The hearing shall be conducted not more than 60 days following the local agency's receipt of the property owner's request for the hearing, but may be postponed or continued with the mutual consent of the local agency and the property owner.

(Amended by Stats. 1984, Ch. 102. Effective April 30, 1984. See notes following Sections 66451.10 and 66451.11; Amended by Stats. 1985, Ch. 796. Urgency; effective September 19, 1985.)

Determination of status

66451.16. At the hearing, the property owner shall be given the opportunity to present any evidence that the affected property does not meet the standards for merger specified in the merger ordinance.

At the conclusion of the hearing, the local agency shall make a determination that the affected parcels are to be merged or are not to be merged and shall so notify the owner of its determination. If the merger ordinance so provides, a determination of nonmerger may be made whether or not the affected property meets the standards for merger specified in Section 66451.11. A determination of merger shall be recorded within 30 days after conclusion of the hearing, as provided for in Section 66451.12.

(Amended by Stats. 1984, Ch. 102. Effective April 30, 1984. See notes following Sections 66451.10 and 66451.11.)

**Time limit for
requesting a hearing**

66451.17. If, within the 30-day period specified in Section 66451.14, the owner does not file a request for a hearing in accordance with Section 66451.16, the local agency may, at any time thereafter, make a determination that the affected parcels are to be merged or are not to be merged. A determination of merger shall be recorded as provided for in Section 66451.12 no later than 90 days following the mailing of notice required by Section 66451.15.

(Amended by Stats. 1984, Ch. 102. Effective April 30, 1984. See notes following Sections 66451.10 and 66451.11.)

**Determination of
nonmerger**

66451.18. If, in accordance with Section 66451.16 or 66451.17, the local agency determines that the subject property shall not be merged, it shall cause to be recorded in the manner specified in Section 66451.12 a release of the notice of intention to determine status, recorded pursuant to Section 66451.13, and shall mail a clearance letter to the then current owner of record.

(Amended by Stats. 1984, Ch. 102. Effective April 30, 1984. See notes following Sections 66451.10 and 66451.11.)

Merger ordinances

66451.19. (a) Except as provided in *** Sections 66451.195, 66451.301, and 66451.302, a city or county shall no later than January 1, 1986, record a notice of merger for any parcel merged prior to January 1, 1984. After January 1, 1986, no parcel merged prior to January 1, 1984, shall be considered merged unless a notice of merger has been recorded prior to January 1, 1986.

**Effects of failing
to comply with
requirements**

(b) Notwithstanding the provisions of Sections 66451.12 to 66451.18, inclusive, a city or county having a merger ordinance in existence on January 1, 1984, may, until July 1, 1984, continue to effect the merger of parcels pursuant to that ordinance, unless the parcels would be deemed not to have merged pursuant to the criteria specified in Section 66451.30. The local agency shall record a notice of merger for any parcels merged pursuant to that ordinance.

(c) At least 30 days prior to recording a notice of merger pursuant to subdivision (a) or (b), the local agency shall advise the owner of the affected parcels, in writing, of the intention to record the notice and specify a time, date, and place at which the owner may present evidence to the legislative body or advisory agency as to why the notice should not be recorded.

(d) The failure of a local agency to comply with the requirements of this article for the merger of contiguous parcels or units of land held in common ownership shall render void and ineffective any resulting merger or recorded notice of merger and no further proceedings under the provisions of this division or a local ordinance enacted pursuant thereto shall be required for the purpose of sale, lease, or financing of **those** contiguous parcels or units, or any of them, until such time as the parcels or units of land have been lawfully merged by subsequent proceedings initiated by the local agency which meet the requirements of this article.

(e) The failure of a local agency to comply with the requirements of any prior law establishing requirements for the merger of contiguous parcels or units of land held in common ownership, shall render voidable any resulting merger or recorded notice of merger. From and after the date the local agency determines that its actions did not comply with the prior law, or a court enters a judgment declaring that the actions of the agency did not comply with the prior law, no further proceedings under the provisions of this division or a local ordinance enacted pursuant thereto shall be required for the purpose of sale, lease, or financing of such contiguous parcels or units, or any of them, until such time as the parcels or units of land have been lawfully merged by subsequent proceedings initiated by the local agency which meet the requirements of this article.

(Amended by Stats. 1984, Ch. 102. Effective April 30, 1984. See notes following Sections 66451.10 and 66451.11; Amended by Stats. 1985, Ch. 796. Urgency; effective September 19, 1985; Amended by Stats. 1986, Ch. 727. Urgency; effective September 14, 1986.)

Deadline for
recording a notice
of merger for
certain parcels

66451.195. (a) Counties more than 20,000 square miles in size shall have until January 1, 1990, to record a notice of merger for parcels of 4,000 square feet or less prior to the time of merger, which were merged prior to January 1, 1984, and for those parcels no parcel merged prior to January 1, 1984, shall be considered merged unless the notice of merger has been recorded prior to January 1, 1990. Counties recording notices of merger pursuant to this subdivision shall comply with the notice requirements of Section 66451.19.

(b) This section shall not be applicable to any parcels or units which meet the criteria of subdivision (a) but which were transferred, or for which the owner has applied for a building permit, during the period between January 1, 1986, and the effective date of this section.

(Added by Stats. 1986, Ch. 727. Urgency; effective September 14, 1986.)

Resolution of
intention to amend
merger ordinance

66451.20. Prior to amending a merger ordinance which was in existence on January 1, 1984, in order to bring it into compliance with Section 66451.11, the legislative body of the local agency shall adopt a resolution of intention and the clerk of the legislative body shall cause notice of the adoption of the resolution to be published in the manner prescribed by Section 6061. The publication shall have been completed not less than 30 days prior to adoption of the amended ordinance.

(Added by Stats. 1983, Ch. 845. See note following Section 66451.10.)

Hearing/notice:
resolution of
intention to adopt
merger ordinance

66451.21. Prior to the adoption of a merger ordinance in conformance with Section 66451.11, by a city or county not having a merger ordinance on January 1, 1984, the legislative body shall adopt a resolution of intention to adopt a merger ordinance and fix a time and place for a public hearing on the proposed ordinance, which shall be conducted not less than 30 nor more than 60 days after adoption of the resolution. The clerk of the legislative body shall cause a notice of the hearing to be published in the manner prescribed by Section 6061. Publication shall have been completed at least seven days prior to the date of the hearing. The notice shall:

(a) Contain the text of the resolution.

(b) State the time and place of the hearing.
(c) State that at the hearing all interested persons will be heard.
(Added by Stats. 1983, Ch. 845. See note following Section 66451.10.)

(Section 66451.25 repealed by Stats. 1984, Ch. 102. Effective April 30, 1984. See note following Section 66451.11.)

(Section 66451.26 repealed by Stats. 1984, Ch. 102. Effective April 30, 1984. See note following Section 66451.11.)

(Section 66451.27 repealed by Stats. 1984, Ch. 102. Effective April 30, 1984. See note following Section 66451.11.)

(Section 66451.28 repealed by Stats. 1984, Ch. 102. Effective April 30, 1984. See note following Section 66451.11.)

(Section 66451.29 repealed by Stats. 1984, Ch. 102. Effective April 30, 1984. See note following Section 66451.11.)

**Criteria for unmerger
of parcels for
which notice of
merger not recorded
by 1/1/84**

66451.30. Any parcels or units of land for which a notice of merger had not been recorded on or before January 1, 1984, shall be deemed not to have merged if on January 1, 1984:

(a) The parcel meets each of the following criteria:

(1) Comprises at least 5,000 square feet in area.

(2) Was created in compliance with applicable laws and ordinances in effect at the time of its creation.

(3) Meets current standards for sewage disposal and domestic water supply.

(4) Meets slope density standards.

(5) Has legal access which is adequate for vehicular and safety equipment access and maneuverability.

(6) Development of the parcel would create no health or safety hazards.

(7) The parcel would be consistent with the applicable general plan and any applicable specific plan, other than minimum lot size or density standards.

(b) And, with respect to such parcel, none of the following conditions exist:

(1) On or before July 1, 1981, one or more of the contiguous parcels or units of land is enforceably restricted open-space land pursuant

to a contract, agreement, scenic restriction, or open-space easement, as defined and set forth in Section 421 of the Revenue and Taxation Code.

(2) On July 1, 1981, one or more of the contiguous parcels or units of land is timberland as defined in subdivision (f) of Section 51104, or is land devoted to an agricultural use as defined in subdivision (b) of Section 51201.

(3) On July 1, 1981, one or more of the contiguous parcels or units of land is located within 2,000 feet of the site on which an existing commercial mineral resource extraction use is being made, whether or not the extraction is being made pursuant to a use permit issued by the local agency.

(4) On July 1, 1981, one or more of the contiguous parcels or units of land is located within 2,000 feet of a future commercial mineral extraction site as shown on a plan for which a use permit or other permit authorizing commercial mineral resource extraction has been issued by the local agency.

(5) Within the coastal zone, as defined in Section 30103 of the Public Resources Code, one or more of the contiguous parcels or units of land has, prior to July 1, 1981, been identified or designated as being of insufficient size to support residential development and where the identification or designation has either (A) been included in the land use plan portion of a local coastal program prepared and adopted pursuant to the California Coastal Act of 1976 (Division 20 of the Public Resources Code), or (B) prior to the adoption of a land use plan, been made by formal action of the California Coastal Commission pursuant to the provisions of the California Coastal Act of 1976 in a coastal development permit decision or in an approved land use plan work program or an approved issue identification on which the preparation of a land use plan pursuant to the provisions of the California Coastal Act is based.

For purposes of paragraphs (3) and (4), "mineral resource extraction" means gas, oil, hydrocarbon, gravel, or sand extraction, geothermal wells, or other similar commercial mining activity.

Each city or county, as applicable, may establish the standards specified in paragraphs (3) to (7), inclusive, of subdivision (a), which shall be applicable to parcels deemed not to have merged pursuant to this section.

(Amended by Stats. 1984, Ch. 102. Effective April 30, 1984. See notes following Sections

Exceptions to local
merger ordinance
if merger not
recorded by 1/1/88

66451.10 and 66451.11. Amended by Stats. 1985, Ch. 796. Urgency; effective September 19, 1985.)

66451.301. If any parcels or units of land merged under a valid local merger ordinance which was in effect prior to January 1, 1984, but for which a notice of merger had not been recorded before January 1, 1988, and one or more of the merged parcels or units of land is within one of the categories specified in paragraphs (1) to (5), inclusive, of subdivision (b) of Section 66451.30, the parcels or units of land shall be deemed not to have merged unless all of the following conditions exist:

(a) The parcels or units are contiguous and held by the same owner.

(b) One or more of the contiguous parcels or units do not conform to minimum parcel size under the applicable general plan, specific plan, or zoning ordinance.

(c) At least one of the affected parcels is undeveloped by any structure for which a building permit was issued or for which a building permit was not required at the time of construction, or is developed only with an accessory structure or accessory structures, or is developed with a single structure, other than an accessory structure, that is also partially sited on a contiguous parcel or unit.

(d) The parcels or units which do not conform to minimum parcel size were not created by a recorded parcel or final map.

If all the conditions described in subdivisions (a), (b), (c), and (d) above exist, only a parcel or unit of land which does not conform to minimum parcel size shall remain merged with a contiguous parcel.

(Added by Stats. 1985, Ch. 796; Urgency; effective September 19, 1985.)

66451.302. (a) By January 1, 1987, a city or county or city and county which has within its boundaries, parcels or units of land which are or may be subject to the provisions of Section 66451.301, shall send a notice to all owners of real property affected by Section 66451.301 in substantially the following form:

"The city or county sending you this notice has identified one or more parcels of land which you own as potentially subject to a new state law regarding the merger of substandard parcels which are located in one or more of the following categories:

(1) On or before July 1, 1981, one or more of the contiguous parcels or units of land is enforceably restricted open-space land pursuant

Notification to
property owners
affected by Section
66451.301

to a contract, agreement, scenic restriction, or open-space easement, as defined and set forth in Section 421 of the Revenue and Taxation Code.

(2) On July 1, 1981, one or more of the contiguous parcels or units of land is timberland as defined in subdivision (f) of Section 51104, is in a timberland production zone as defined in subdivision (g) of Section 51104, or is land devoted to an agricultural use as defined in subdivision (b) of Section 51201.

(3) On July 1, 1981, one or more of the contiguous parcels or units of land is located within 2,000 feet of the site on which an existing commercial mineral resource extraction use is being made, whether or not the extraction is being made, whether or not the extraction is being made pursuant to a use permit issued by the local agency.

(4) On July 1, 1981, one or more of the contiguous parcels or units of land is located within 2,000 feet of a future commercial mineral extraction site as shown on a plan for which a use permit or other permit authorizing commercial mineral resource extraction has been issued by the local agency.

(5) [In coastal counties only] Within the coastal zone, as defined in Section 30103 of the Public Resources Code, one or more of the contiguous parcels or units of land has, prior to July 1, 1981, been identified or designated as being of insufficient size to support residential development and where the identification or designation has either (i) been included in the land use plan portion of a local coastal program prepared and adopted pursuant to the California Coastal Act of 1976 (Division 20 of the Public Resources Code), or (ii) prior to the adoption of a land use plan, been made by formal action of the California Coastal Commission pursuant to the provisions of the California Coastal Act of 1976 in a coastal development permit decision or in an approved land use plan work program or an approved issue identification on which the preparation of a land use plan pursuant to the provisions of the California Coastal Act is based."

"The new state law contained in Section 66451.301 of the Government Code, generally provides for parcels or units of land located in one or more of the above-described areas which were merged prior to January 1, 1984, and for which the local agency did not record a notice of merger by January 1, 1988, the parcels are deemed

unmerged on January 1, 1988, unless all of the following conditions exist:

(a) The parcels or units are contiguous and held by the same owner.

(b) One or more of the contiguous parcels or units do not conform to minimum parcel size under the applicable general plan, specific plan, or zoning ordinance.

(c) At least one of the affected parcels is undeveloped by any structure for which a building permit was issued or for which a building permit was not required at the time of construction, or is developed only with an accessory structure or necessary structures, or is developed with a single structure, other than an accessory structure, that is also partially sited on a contiguous parcel or unit.

(d) The parcels or units which do not conform to minimum parcel size were not created by a recorded parcel or final map.

In order to determine whether this new law applies to your property, you should immediately contact the _____ Department of (City or County) to assist you in determining the application of the new law."

"WARNING. Your failure to act may result in the loss of valuable legal rights regarding the property."

(Added by Stats. 1985, Ch. 796; Urgency; effective September 19, 1985.)

66451.31. Upon application made by the owner and payment of any fees authorized by Section 66451.33, the local agency shall make a determination that the affected parcels have merged or, if meeting the criteria of Section 66451.30, are deemed not to have merged.

(Amended by Stats. 1984, Ch. 102. Effective April 30, 1984. See notes following Sections 66451.10 and 66451.11.)

66451.32. (a) Upon a determination that the parcels meet the standards specified in Section 66451.30, the local agency shall issue to the owner and record with the county recorder a notice of the status of the parcels which shall identify each parcel and declare that the parcels are unmerged pursuant to this article.

(b) Upon a determination that the parcels have merged and do not meet the criteria specified in Section 66451.30, the local agency shall issue to the owner and record with the county recorder, a notice of merger as provided in Section 66451.12.

(Amended by Stats. 1984, Ch. 102. Effective April 30, 1984. See notes following Sections 66451.10 66451.11.)

Determination of
merger/unmerger

Notification upon
determination

Fees

66451.33. A city or county may impose a fee not to exceed those permitted by Chapter 13 (commencing with Section 54990) of Part 1, payable by the owner, for those costs incurred with respect to a parcel for which application for a determination that the parcels meet the criteria of Section 66451.30 is made.

(Amended by Stats. 1984, Ch. 102. Effective April 30, 1984. See notes following Sections 66451.10 66451.11.)

Article 2. Tentative Maps

Filing of tentative map

66452. (a) A tentative map shall be filed with the clerk of the advisory agency or, if there is no advisory agency, with the clerk of the legislative body, or with any other officer or employee of the local agency as may be designated by local ordinance.

Filing of vesting tentative map

(b) A vesting tentative map shall be filed and processed in the same manner as a tentative map except as otherwise provided by this division or by a local ordinance adopted pursuant to this division.

(c) At the time a vesting tentative map is filed it shall have printed conspicuously on its face the words "Vesting Tentative Map."

(Amended by Stats. 1984, Ch. 1113. Operative January 1, 1986. See note following Section 66498.1.)

Review by advisory agency

66452.1. (a) If the advisory agency is not authorized by local ordinance to approve, conditionally approve, or disapprove the tentative map, it shall make its written report on the tentative map to the legislative body within 50 days after the filing thereof with its clerk.

(b) If the advisory agency is authorized by local ordinance to approve, conditionally approve, or disapprove the tentative map, it shall take such action within 50 days after the filing thereof with its clerk and report its action to the subdivider.

(c) The local agency shall comply with the time periods referred to in Section 21151.5 of the Public Resources Code, within the time limits set forth in this section. However, if an environmental impact report is prepared for the tentative map, the 50-day period specified in this section shall not be applicable and the advisory agency shall render its report or decision required by this section within 45 days

after certification of the environmental impact report.

(Amended by Stats. 1982, Ch. 87. Effective March 1, 1982. No repealer.)

Hearing schedule

66452.2. (a) If there is an advisory agency which is not authorized by local ordinance to approve, conditionally approve or disapprove the tentative map, at the next regular meeting of the legislative body following the filing of the advisory agency's report with it, the legislative body shall fix the meeting date at which the tentative map will be considered by it, which date shall be within 30 days thereafter and the legislative body shall approve, conditionally approve, or disapprove the tentative map within such 30-day period.

(b) If there is no advisory agency, the clerk of the legislative body shall submit the tentative map to the legislative body at its next regular meeting which shall approve, conditionally approve or disapprove such map within 50 days thereafter.

(c) The local agency shall comply with the time periods referred to in Section 21151.5 of the Public Resources Code within the time limits set forth in this section. However, if an environmental impact report is prepared for the tentative map, the 50-day period specified in this section shall not be applicable and the legislative body shall render its decision required by subdivision (b) within 45 days after certification of the environmental impact report.

(Amended by Stats. 1982, Ch. 87. Effective March 1, 1982. No repealer.)

Staff report

66452.3. Any report or recommendation on a tentative map by the staff of the local agency to the advisory agency or legislative body shall be in writing and a copy thereof served on the subdivider and on each tenant of the subject property, in the case of a proposed conversion of residential real property to a condominium project, community apartment project, or stock cooperative project, at least three days prior to any hearing or action on such map by such advisory agency or legislative body. Pursuant to Section 66451.2, fees may be collected from the subdivider for expenses incurred under this section.

(Amended by Stats. 1980, Ch. 1128.)

Approval by inaction

66452.4. If no action is taken upon a tentative map by an advisory agency which is authorized by local ordinance to approve, conditionally approve or disapprove the tentative map or by the legislative body within the time

limits specified in this chapter or any authorized extension thereof, the tentative map as filed, shall be deemed to be approved, insofar as it complies with other applicable requirements of this division and local ordinance, and it shall be the duty of the clerk of the legislative body to certify such approval.

(Added by Stats. 1974, Ch. 1536. Effective March 1, 1975.)

Appeals

66452.5. (a) The subdivider, or any tenant of the subject property, in the case of a proposed conversion of residential real property to a condominium project, community apartment project, or stock cooperative project, may appeal from any action of the advisory agency with respect to a tentative map to the appeal board established by local ordinance or, if none, to the legislative body.

Any such appeal shall be filed with the clerk of the appeal board, or if there is none, with the clerk of the legislative body within 10 days after the action of the advisory agency from which the appeal is being taken.

Upon the filing of an appeal, the appeal board or legislative body shall set the matter for hearing. Such hearing shall be held within 30 days after the date of filing the appeal. Within 10 days following the conclusion of the hearing, the appeal board or legislative body shall render its decision on the appeal.

Decision on appeal to include findings

(b) The subdivider, any tenant of the subject property, in the case of a conversion of residential real property to a condominium project, community apartment project, or stock cooperative project, or the advisory agency may appeal from the action of the appeal board to the legislative body. Any such appeal shall be filed in writing with the clerk of the legislative body within 10 days after the action of the appeal board from which the appeal is being taken.

After the filing of an appeal, the legislative body shall set the matter for hearing. Such hearing shall be held within 30 days after the date of a request therefor filed by the subdivider or the appellant. Within 10 days following the conclusion of the hearing, the legislative body shall render its decision on the appeal. The decision shall comply with the provisions of sections 66473, 66473.5, and 66474, and shall include any findings required by such sections.

(c) If there is an appeal board and it fails to act upon an appeal within the time limit specified in this chapter, the decision from

**Findings to be
declared after
hearing**

which the appeal was taken shall be deemed affirmed and an appeal therefrom may thereupon be taken to the legislative body as provided in subdivision (b) of this section. If no such further appeal is taken, the tentative map, insofar as it complies with applicable requirements of this division and local ordinance, shall be deemed approved or conditionally approved as last approved or conditionally approved by the advisory agency, and it shall be the duty of the clerk of the legislative body to certify such approval, or if the advisory agency is one which is not authorized by local ordinance to approve, conditionally approve or disapprove the tentative map, the advisory agency shall submit its report to the legislative body as if no appeal had been taken.

If the legislative body fails to act upon an appeal within the time limit specified in this chapter, the tentative map, insofar as it complies with applicable requirements of this division and local ordinance, shall be deemed to be approved or conditionally approved as last approved or conditionally approved, and it shall be the duty of the clerk of the legislative body to certify such approval.

(d) Where local ordinance so provides, any interested person adversely affected by a decision of the advisory agency or appeal board may file a complaint with the governing body concerning any decision of the advisory agency or appeal board. Any such complaint shall be filed with the clerk of the governing body within 10 days after the action of the advisory agency or appeal board which is the subject of the complaint. Upon the filing of the complaint, the governing body may set the matter for hearing. Such hearing shall be held within 30 days after the filing of the complaint. Such hearing may be a public hearing for which notice shall be given in the time and manner provided.

Upon conclusion of the hearing the governing body shall, within seven days, declare its findings based upon the testimony and documents produced before it or before the advisory board or the appeal board. It may sustain, modify, reject, or overrule any recommendations or rulings of the advisory board or the appeal board and may make such findings as are not inconsistent with the provisions of this chapter or local ordinance adopted pursuant to this chapter.

(e) Notice of each hearing provided for in this section shall be sent by United States mail to each tenant of the subject property, in the case of a conversion of residential real property to a condominium project, community apartment project, or stock cooperative project, at least three days prior to any such hearing. The notice requirement of this subdivision shall be deemed satisfied if the notice complies with the legal requirements for service by mail. Pursuant to Section 66451.2, fees may be collected from the subdivider for expenses incurred under this section.

(Amended by Stats. 1982, Ch. 479.)

**Expiration of
tentative map**

66452.6. (a) An approved or conditionally approved tentative map shall expire 24 months after its approval or conditional approval, or after any additional period of time as may be prescribed by local ordinance, not to exceed an additional 12 months. However, if the subdivider is subject to a requirement of one hundred thousand dollars (\$100,000) or more to construct, *** improve, or finance the construction or improvement of public improvements outside the boundaries of the tentative map, each filing of a final map authorized by Section 66456.1 shall extend the expiration of the approved or conditionally approved tentative map by 36 months from the date of its expiration, as provided in this section, or the date of the previously filed final map, whichever is later. The extensions shall not extend the tentative map more than 10 years from its approval or conditional approval. However, a tentative map on property subject to a development agreement authorized by Article 2.5 (commencing with Section 65864) of Chapter 4 of Division 1 may be extended for the period of time provided for in the agreement, but not beyond the duration of the agreement. The number of phased final maps which may be filed shall be determined by the advisory agency at the time of the approval or conditional approval of the tentative map.

"Public improvements," as used in this subdivision, include traffic controls, streets, roads, highways, freeways, bridges, overcrossings, street interchanges, flood control or storm drain facilities, sewer facilities, water facilities, and lighting facilities.

**Existence of develop-
ment moratorium**

(b) The period of time specified in subdivision (a) shall not include any period of time during which a development moratorium, imposed after approval of the tentative map, is in existence. *** However, *** the length

of the moratorium *** shall not exceed five years.

Once a moratorium is terminated, the map shall be valid for the same period of time as was left to run on the map at the time that the moratorium was imposed. However, if the remaining time is less than 120 days, the map shall be valid for 120 days following the termination of the moratorium.

Pending lawsuit

(c) The period of time specified in subdivision (a), including any extension thereof granted pursuant to subdivision (e), shall not include the period of time during which a lawsuit involving the approval or conditional approval of the tentative map is or was pending in a court of competent jurisdiction, if the stay of the time period is approved by the local agency pursuant to this section. After service of the initial petition or complaint in the lawsuit upon the local agency, the subdivider may apply to the local agency for a stay pursuant to the local agency's adopted procedures. Within 40 days after receiving the application, the local agency shall either stay the time period for up to five years or deny the requested stay. The local agency may, by ordinance, establish procedures for reviewing the requests, including, but not limited to, notice and hearing requirements, appeal procedures, and other administrative requirements.

Procedures after expiration

(d) The expiration of the approved or conditionally approved tentative map shall terminate all proceedings and no final map or parcel map of all or any portion of the real property included within the tentative map shall be filed with the legislative body *** without first processing a new tentative map. Once a timely filing is *** made, subsequent actions of the local agency, including, but not limited to, processing, approving, and recording, may lawfully occur after the date of expiration of the tentative map. Delivery to the county surveyor or city engineer shall be deemed a timely filing for purposes of this section.

Extension

(e) Upon application of the subdivider filed prior to the expiration of the approved or conditionally approved tentative map, the time at which the map expires may be extended by the legislative body or by an advisory agency authorized to approve or conditionally approve tentative maps for a period or periods not exceeding a total of three years. Prior to the expiration of an approved or conditionally approved tentative map, upon an application by

the subdivider to extend that map, the map shall automatically be extended for 60 days or until the application for the extension is approved, conditionally approved, or denied, whichever occurs first. If the advisory agency denies a subdivider's application for an extension, the subdivider may appeal to the legislative body within 15 days after the advisory agency has denied the extension.

Development moratorium

(f) For purposes of this section, a development moratorium shall include a water or sewer moratorium, or a water and sewer moratorium, as well as other actions of public agencies which regulate land use, development, or the provision of services to the land, other than the public agency with the authority to approve or conditionally approve the tentative map, which thereafter prevents, prohibits, or delays the approval of a final or parcel map. A development moratorium is deemed to exist for purposes of this section for any period of time during which a condition imposed by the city or county could not be satisfied because the condition was one which, by its nature, necessitated action by the city or county, and the city or county either did not take the necessary action or by its own action or inaction was prevented or delayed in taking the necessary action prior to expiration of the tentative map.

Time period of vesting tentative map

(g) The rights conferred by a vesting tentative map as provided by Chapter 4.5 (commencing with Section 66498.1) shall last for an initial time period, as provided by ordinance, but shall not be less than one year or more than two years beyond the recording of the final map. Where several final maps are recorded on various phases of a project covered by a single vesting tentative map, the one year initial time period shall begin for each phase when the final map for that phase is recorded.

The initial time period shall be automatically extended by any time used by the local agency for processing a complete application for a grading permit or for design or architectural review, if the time used by the local agency to process the application exceeds 30 days, from the date that a complete application is filed. At any time prior to the expiration of the initial time period provided by this section, the subdivider may apply for a one-year extension. If the extension is denied by an advisory agency, the subdivider may appeal that denial to the legislative body within 15 days.

**Existence of building
permit**

(h) If the subdivider submits a complete application for a building permit during the periods of time specified in subdivision (g), the rights conferred by Chapter 4.5 (commencing with Section 66498.1) shall continue until the expiration of that permit, or any extension of that permit granted by the local agency.

(Amended by Stats. 1984, Ch. 1302 and Ch. 1113. Urgency, eff. Sept. 20, 1984, operative January 1, 1986. See note following Section 66498.1; Amended by Stats. 1985, Ch. 852 and Ch. 688; Amended by Stats. 1986, Ch. 789.)

Extension of time

66452.7. The governing body, when there is no advisory agency or the advisory agency is required by Section 66455.5 to submit the tentative map to the Office of Intergovernmental Management, may extend the time permitted for action on such map if it is required to allow consideration of the evaluation received from the Office of Intergovernmental Management, but the extension shall not exceed 15 days.

(Amended by Stats. 1983, Ch. 101.)

**Notice of proposed
conversion to
prospective tenants**

66452.8. (a) Commencing at a date not less than 60 days prior to the filing of a tentative map pursuant to Section 66452, the subdivider or his or her agent shall give notice of such filing, in the form outlined in subdivision (b), to each person applying after such date for rental of a unit of the subject property immediately prior to the acceptance of any rent or deposit from the prospective tenant by the subdivider.

(b) The notice shall be as follows:

"To the prospective occupant(s) of

(address)

The owner(s) of this building, at (address), has filed or plans to file a tentative map with the (city, county, or city and county) to convert this building to a (condominium, community apartment, or stock cooperative project). No units may be sold in this building unless the conversion is approved by the (city, county, or city and county) and until after a public report is issued by the Department of Real Estate. If you become a tenant of this building, you shall be given notice of each hearing for which notice is required pursuant to Sections 66451.3 and 66452.5 of the Government Code, and you have the right to appear and the right to be heard at any such hearing.

(signature of owner or owner's agent)

(dated)

I have received this notice on _____.
(date)

(prospective tenant's signature)"

(c) Failure by a subdivider or his or her agent to give the notice required in subdivision (a) shall not be grounds to deny the conversion. However, if the subdivider or his or her agent fails to give notice pursuant to this section, he or she shall pay to each prospective tenant who becomes a tenant and who was entitled to such notice, and who does not purchase his or her unit pursuant to subdivision (d) of Section 66427.1, an amount equal to the sum of the following:

(1) Actual moving expenses incurred when moving from the subject property, but not to exceed five hundred dollars (\$500).

(2) The first month's rent on the tenant's new rental unit, if any, immediately after moving from the subject property, but not to exceed five hundred dollars (\$500).

The requirements of this subdivision constitute a minimum state standard. However, nothing in this subdivision shall be construed to prohibit any city, county, or city and county from requiring, by ordinance or charter provision, a subdivider to compensate any tenant, whose tenancy is terminated as the result of a condominium, community apartment project, or stock cooperative conversion, in amounts or by services which exceed those set forth in paragraphs (1) and (2) of this subdivision. In the case of such a requirement by any city, county, or city and county, a subdivider who meets the compensation requirements of the local ordinance or charter provision shall be deemed to satisfy the requirements of this subdivision.

(Amended by Stats. 1981, Ch. 603. Effective September 22, 1981.)

66452.9. (a) Pursuant to the provisions of subdivision (a) of Section 66427.1, the subdivider shall give notice 60 days prior to the filing of a tentative map pursuant to Section 66452 in the form outlined in subdivision (b), to each tenant of the subject property.

(b) The notice shall be as follows:

**Notice of filing
tentative map to
prospective tenants**

"To the occupant(s) of

(address)

The owner(s) of this building, at (address), plans to file a tentative map with the (city, county, or city and county) to convert this building to a (condominium, community apartment, or stock cooperative project). You shall be given notice of each hearing for which notice is required pursuant to Sections 66451.3 and 66452.5 of the Government Code, and you have the right to appear and the right to be heard at any such hearing.

(signature of owner or owner's agent)

(date)"

The written notices to tenants required by this section shall be deemed satisfied if such notices comply with the legal requirements for service by mail.

(Amended by Stats. 1981, Ch. 603. Effective September 22, 1981.)

**Stock cooperative
conversions**

66452.10. A stock cooperative, as defined in Section 11003.2 of the Business and Professions Code, or a community apartment project, as defined in Section 11004 of the Business and Professions Code, shall not be converted to a condominium, as defined in Section 783 of the Civil Code, unless the required number of owners in the cooperative or project, as specified in the bylaws, or other organizational documents, have voted in favor of such conversion. If the bylaws or other organizational documents do not expressly specify the number of votes required to approve such a conversion, a majority vote of the owners in the cooperative or project shall be required. The provisions of Section 66499.31 shall not apply to a violation of this section.

(Added by Stats. 1982, Ch. 1426.)

Article 2.5. New Rental Housing: Conversion

**Binding agreement to
make units available
for rental**

66452.50. (a) Notwithstanding any other provision of this division, a local agency may, upon application by a subdivider, in connection with the approval of a tentative or final map for the proposed construction of a condominium

development, which requires the obtaining of a tentative or final map under provisions of this division or local ordinances enacted pursuant thereto, enter into a binding agreement with the subdivider mandating that the units be first made available for rental housing for a period of not less than 10 years from the date a certificate of occupancy has been issued for the units within the development; provided that (1) at the expiration of the 10-year period the units within the development may be sold to individual purchasers, in accordance with the approved final map authorizing the development without further proceedings under the provisions of this division or local ordinances enacted pursuant thereto, and (2), except as otherwise provided in subdivision (b), during the period the units are required to be made available for rental purposes, the units are insured or are to be insured or co-insured pursuant to the provisions of Chapter 4 (commencing with Section 51850) of Part 4 of Division 31 of the Health and Safety Code, and (3) each tenant of a unit within the development shall be given 180 days' written notice prior to actual conversion. Such notice shall include an offer of an exclusive right to contract for his or her respective unit upon the same terms and conditions that such unit will be initially offered to the general public or on terms more favorable to the tenant. The right shall run for a period of not less than 90 days from the date written notice of actual conversion was sent to the tenant.

Any such agreement shall be in writing, particularly describe the real property and set forth the name or names of the record title owner of the real property affected thereby, and be executed by the person authorized to act on behalf of the local agency and by the subdivider. From the date of execution of the agreement, it shall be binding upon the local agency, the subdivider, and their successors. The fact that a condominium development is subject to such an agreement shall be set forth on the face of any tentative or final map approved by the local agency and the agreement shall be recorded in the office of the county recorder in the county in which the real property is located on or before the date of recordation of the final map.

(b) Multifamily rental housing financed on or after January 1, 1983, with the proceeds of sale of tax-exempt bonds sold pursuant to any laws of this state shall not be subject to the requirements of condition (2) prescribed in the

first paragraph of subdivision (a), but shall be subject to all the requirements of the law pursuant to which the bonds are being issued, including, but not limited to, any requirement in such law that the housing be maintained as rental housing for a period in excess of 10 years.

(Amended by Stats. 1983, Ch. 84. Effective June 14, 1983.)

Note: Stats. 1983, Ch. 84, also reads:

Uncodified policy

SEC. 2. In order to achieve successful financing of urgently needed multifamily rental housing developments in this state, it is frequently necessary to file a subdivision map allowing conversion to condominium units in order to assure or facilitate refinancing after a certain number of years under the terms of the project loan. Such conversion is required under federal tax law to be deferred for a given number of years and agreements so providing are a common requirement of the financing program.

Section 66452.50 of the Government Code, as added by Chapter 1447 of the Statutes of 1982, is susceptible to the construction that mortgage insurance under Chapter 4 (commencing with Section 51850) of Part 4 of Division 31 of the Health and Safety Code must be taken out in order to be able to enter into such an agreement. In order to allow the financing of urgently needed multifamily rental housing units to proceed without that insurance, it is essential that this act take effect immediately.

**Notice of conversion
to prospective
tenants**

66452.51. Prior to the acceptance of any rent or deposit from a prospective tenant, the following notice shall be provided:

To the prospective occupant(s) of:

(address)

The owner(s) of this building at (address), have received a tentative map with (city, county, or city and county) to convert this building to a (condominium, community apartment, or stock cooperative), no sooner than (date). You will be notified at least 180 days prior to the actual conversion. Further, if you still reside in your unit, you will be given an exclusive right to purchase your unit.

(signature of owner or owner's agent)

(dated)

I have received this notice on _____.
(dated)

(prospective tenant's signature)

(Added by Stats. 1982, Ch. 1447.)

Article 3. Review of Tentative Map
by Other Agencies

Review by adjacent
agencies

66453. A local agency may make recommendations concerning proposed subdivisions in any adjoining city or in any adjoining unincorporated territory provided such subdivisions are within three miles of the exterior boundary of such local agency. A local agency which desires to make recommendations concerning such proposed subdivisions shall file with the local agency having jurisdiction of such subdivisions a map indicating the territory in which it desires to make such recommendations. The local agencies receiving such territorial map shall issue a receipt therefor and shall thereafter transmit to the official designated by such local agency one copy of each tentative map of subdivisions located wholly or partially within the territory outlined on the territorial map. Such transmission shall be within five days after the receipt of the tentative map.

Any local agency receiving such tentative map shall make its recommendation to the local agency having jurisdiction of the subdivision within 15 days after receipt of such tentative map. The recommendations shall be taken into consideration by the local agency having jurisdiction before action is taken upon the tentative map.

(Added by Stats. 1974, Ch. 1536. Effective March 1, 1975.)

Effect of annexation

66454. Any subdivider may file with a city the tentative map of a proposed subdivision of unincorporated territory adjacent to such city. The map, in the discretion of the city, may be acted upon in the manner provided in Article 2 (commencing with Section 66452) of this chapter except that if it is approved, such approval shall be conditioned upon annexation of the property to such city within such period of time as shall be specified by the city, and such approval shall not be effective until annexation of such property to the city has been completed.

If annexation is not completed within the time specified or any extension thereof, then the approval of such map by such adjacent city shall be null and void. No subdivision of unincorporated territory may be effected by approval of a map by a city unless annexation thereof to the city is completed prior to the approval of the final map thereof.

(Added by Stats. 1974, Ch. 1536. Effective March 1, 1975.)

Caltrans' interest

66455. The Department of Transportation may file with the legislative body of any local agency having jurisdiction, a map or an amended map of any territory within one mile on either or both sides of any state highway routing in which territory it believes the subdivision would have an effect upon an existing state highway or a future state highway, the route of which has been adopted by the California Transportation Commission.

The city or county having jurisdiction shall issue a receipt for the territorial map and shall transmit, within three days of receipt, to the district office of the department in which the proposed subdivision is located, one copy of each tentative map of any subdivision located, in whole or in part, within the territory outlined on the territorial map.

The department, within 15 days after receiving a copy of the map, may make recommendations to the local agency regarding the effect of the proposed subdivision upon the highway or highway route.

(Amended by Stats. 1982, Ch. 681.)

State review

66455.5. Upon the filing a tentative map as provided in Section 66452, it may be submitted to the Office of Intergovernmental Management pursuant to Section 12037 of the Government Code for an evaluation of the environmental impact of the proposed subdivision. If the subdivision in question is a land project as defined by section 11000.5 of the Business and Professions Code, such submission shall be required prior to approval of the map.

(Added by Stats. 1974, Ch. 1536. Effective March 1, 1975.)

School district review

66455.7. Within 10 days of the filing of a tentative map as provided in Section 66452, the clerk of the legislative body or advisory agency shall send a notice of the filing of the tentative map to the governing board of any elementary, high school, or unified school district within the boundaries of which the subdivision is proposed to be located. Such

notice shall also contain information about the location of the proposed subdivision, the number of units, density, and any other information which would be relevant to the affected school district. Such governing board may review the notice and may send a written report thereon to the agency required by law to approve such tentative map. If a written report is made by the governing board, the report shall indicate the impact of the proposed subdivision on the affected school district and shall make such recommendations as the governing board of the district deems appropriate. If a written report is made by the governing board, such report shall be returned within 20 working days of the date on which the notice was mailed to the school district for comment. In the event that the governing board of any such district fails to respond within the 20-day period, such failure to respond shall be deemed approval of the proposed subdivision.

(Added by Stats. 1976, Ch. 5.)

Article 4. Final Maps

Survey

66456. After the approval or conditional approval of the tentative map and prior to the expiration of such map, the subdivider may cause the real property included within the map, or any part thereof, to be surveyed and a final map thereof prepared in accordance with the approved or conditionally approved tentative map.

(Added by stats. 1974, Ch. 1536. Effective March 1, 1975.)

Multiple final maps

66456.1. Multiple final maps relating to an approved or conditionally approved tentative map may be filed prior to the expiration of the tentative map if: (a) the subdivider, at the time the tentative map is filed, informs the advisory agency of the local agency of the subdivider's intention to file multiple final maps on such tentative map, or (b) after filing of the tentative map, the local agency and the subdivider concur in the filing of multiple final maps. In providing such notice, the subdivider shall not be required to define the number or configuration of the proposed multiple final maps. The filing of a final map on a portion of an approved or conditionally approved tentative map shall not invalidate any part of such tentative map. The right of the subdivider to file multiple final maps shall not limit the authority of the local agency to impose

reasonable conditions relating to the filing of multiple final maps.

(Amended by Stats. 1982, Ch. 87. Effective March 1, 1982.)

Filing final or
parcel maps

66457. (a) A final map or parcel map conforming to the approved or conditionally approved tentative map, if any, may be filed with the legislative body for approval after all required certificates on the map have been signed and, where necessary, acknowledged. ***

Split jurisdiction

(b) If the subdivision lies entirely within the territory of a city, the map shall be filed with the city. If the subdivision lies entirely within unincorporated territory, the map shall be filed with the county. *** If the subdivision lies partially within two or more *** territories, the map shall be filed with each, and *** each shall act thereon as provided in this chapter.

(Amended by Stats. 1984, Ch. 337; Amended by Stats. 1986, Ch. 789.)

Approval by
legislative body

66458. (a) The legislative body shall, at the meeting at which it receives the map or, at its next regular meeting after the meeting at which it receives the map, approve the map if it conforms to all the requirements of this chapter and any local subdivision ordinance applicable at the time of approval or conditional approval of the tentative map and any rulings made thereunder. *** If the map does not *** conform, the legislative body shall disapprove the map.

Approval by inaction

(b) If the legislative body does not approve or disapprove the map within the prescribed time, or any authorized extension thereof, and the map conforms to all *** requirements and rulings, it shall be deemed approved, and the clerk of the legislative body shall certify its approval thereon.

(c) The meeting at which the legislative body receives the map shall be the date on which the clerk of the legislative body receives the map.

(Amended by Stats. 1980, Ch. 403; Amended by Stats. 1986, Ch. 789.)

Completion of
improvements

66462. (a) If, at the time of approval of the final map by the legislative body, any public improvements required by the local agency pursuant to *** this division or local ordinance have not been completed and accepted in accordance with standards established by the local agency by ordinance applicable at the time of the approval or conditional approval of the tentative map, the legislative body, as a condition precedent to the approval of the final map, shall require the subdivider to enter into

one of the following agreements specified by the local agency:

(1) An agreement with the local agency upon mutually agreeable terms to thereafter complete the improvements at the subdivider's expense.

(2) An agreement with the local agency to thereafter do either of the following:

(A) Initiate and consummate proceedings under an appropriate special assessment act *** or the Mello-Roos Community Facilities Act of 1982, Chapter 2.5 (commencing with Section 53311) of Part 1 of Division 2 of Title 5 for the financing and completion of all of the improvements.

(B) If the improvements are not completed under a special assessment act or the Mello-Roos Community Facilities Act of 1982, Chapter 2.5 (commencing with Section 53311) of Part 1 of Division 2 of Title 5, to complete the improvements at the subdivider's expense.

(b) The standards may be adopted by reference, without posting or publishing them, if they have been printed in book or booklet form and three copies of the books or booklets have been filed for use and examination by the public in the office of the clerk of the legislative body.

(c) The local agency entering into any agreement pursuant to this section shall require that performance of the agreement be guaranteed by the security specified in Chapter 5 (commencing with Section 66499).

(Added by Stats. 1974, Ch. 1536. Effective March 1, 1975; Amended by Stats. 1986, Ch. 1102. Urgency; effective September 23, 1986.)

**Incomplete offsite
improvements**

66462.5. A city, county, or city and county shall not postpone or refuse approval of a final map because the subdivider has failed to meet a tentative map condition which requires the subdivider to construct or install offsite improvements on land in which neither the subdivider nor the local agency has sufficient title or interest, including an easement or license, at the time the tentative or final map is filed with the local agency, to permit the improvements to be made. In such cases, the city, county or city and county shall, within 120 days of the filing of the final map, pursuant to Section 66457, acquire by negotiation or commence proceedings pursuant to Title 7 (commencing with Section 1230.010) of Part 3 of the Code of Civil Procedure to acquire an interest in the land which will permit the improvements to be made, including proceedings for immediate possession of the property under

Article 3 (commencing with Section 1255.410) of Chapter 6 of such title. In the event a city, county, or city and county fails to meet the 120-day time limitation, the condition for construction of offsite improvements shall be conclusively deemed to be waived. Prior to approval of the final map the city, county, or city and county may require the subdivider to enter into an agreement to complete the improvements pursuant to Section 66462 at such time as the city, county, or city and county acquires an interest in the land which will permit the improvements to be made.

Nothing in this section precludes a city, county, or city and county from requiring a subdivider to pay the cost of acquiring offsite real property interests required in connection with a subdivision.

"Offsite improvements," as used in this section, does not include improvements which are necessary to assure replacement or construction of housing for persons and families of low or moderate income, as defined in Section 50093 of the Health and Safety Code.

(Amended by Stats. 1983, Ch. 910.)

Article 5. Parcel Maps

Procedures for parcel
map process/
compliance with
ordinance

66463. Except as otherwise provided for in this code, the procedure for processing, approval, conditional approval, or disapproval and filing of parcel maps and modifications thereof shall be as provided by local ordinance. The provisions of Sections 66477.1, 66477.2, and 66477.3 relating to dedications and offers of dedication on final maps shall apply to dedications and offers of dedications on parcel maps.

Whenever a local agency provides, by ordinance, for the approval, conditional approval, or disapproval of parcel maps by the county engineer, surveyor, or other designated official, the local agency may also, by ordinance, provide that the officer may accept or reject dedications and offers of dedication that are made by certificate on the map.

Whenever a local agency provides, by ordinance, for the approval of parcel maps by the legislative body, the parcel maps shall be filed pursuant to the procedure for final maps as prescribed by Sections 66457 and 66458.

(Amended by Stats. 1984, Ch. 337.)

Expiration of
tentative map

66463.5. (a) When a tentative map is required, an approved or conditionally approved tentative map shall expire 24 months after its approval or conditional approval, or after any additional period of time as may be prescribed by local ordinance, not to exceed an additional 12 months.

(b) The expiration of the approved or conditionally approved tentative map shall terminate all proceedings and no parcel map of all or any portion of the real property included within the tentative map shall be filed without first processing a new tentative map. Once a timely filing is made, subsequent actions of the local agency, including, but not limited to, processing, approving, and recording, may lawfully occur after the date of expiration of the tentative map. Delivery to the county surveyor or city engineer shall be deemed a timely filing for purposes of this section.

(c) Upon application of the subdivider filed prior to the expiration of the approved or conditionally approved tentative map, the time at which the map expires may be extended by the legislative body or by an advisory agency authorized to approve or conditionally approve tentative maps for a period or periods not exceeding a total of three years. Prior to the expiration of an approved or conditionally approved tentative map, upon the application by the subdivider to extend that map, the map shall automatically be extended for 60 days or until the application for the extension is approved, conditionally approved, or denied, whichever occurs first. If the advisory agency denies a subdivider's application for an extension, the subdivider may appeal to the legislative body within 15 days after the advisory agency has denied the extension.

Existence of develop-
ment moratorium

(d) (1) The period of time specified in subdivision (a) shall not include any period of time during which a development moratorium, imposed after approval of the tentative map, is in existence. However, the length of the moratorium shall not exceed five years.

(2) Once a moratorium is terminated, the map shall be valid for the same period of time as was left to run on the map at the time that the moratorium was imposed. However, if the remaining time is less than 120 days, the map shall be valid for 120 days following the termination of the moratorium.

Lawsuit involving map
approval: Stay of
time period

(e) The period of time specified in subdivision (a), including any extension thereof granted pursuant to subdivision (c), shall not include

the period of time during which a lawsuit involving the approval or conditional approval of the tentative map is, or was, pending in a court of competent jurisdiction, if the stay of the time period is approved by the local agency pursuant to this section. After service of the initial petition or complaint in the lawsuit upon the local agency, the subdivider may apply to the local agency for a stay pursuant to the local agency's adopted procedures. Within 40 days after receiving the application, the local agency shall either stay the time period for up to five years or deny the requested stay. The local agency may, by ordinance, establish procedures for reviewing the requests, including, but not limited to, notice and hearing requirements, appeal procedures, and other administrative requirements.

Existence of development moratorium

(f) For purposes of this section, a development moratorium shall include a water or sewer moratorium or a water and sewer moratorium, as well as other actions of public agencies which regulate land use, development, or the provision of services to the land, other than the public agency with the authority to approve or conditionally approve the tentative map, which thereafter prevents, prohibits, or delays the approval of a parcel map.

Vesting tentative map

(g) Notwithstanding subdivisions (a), (b), and (c), for the purposes of Chapter 4.5 (commencing with Section 66498.1), subdivisions (g) and (h) of Section 66452.6 shall apply to vesting tentative maps prepared in connection with a parcel map except that, for purposes of this section, the time periods specified in subdivisions (g) and (h) of Section 66452.6 shall be determined from the recordation of the parcel map instead of the final map. ***

(Added by Stats. 1984, Ch. 1302. Operative January 1, 1985; Amended by Stats. 1986, Ch. 789.)

Article 6. Filing Maps With County Recorder

Transmittal to county recorder

66464. (a) Unless otherwise provided by the county, if the final map or map parcel is not subject to Section 66493, after the approval by the city of a final map of a subdivision or a parcel map, the city clerk shall transmit the map to the county recorder.

(b) If a final map or parcel map is subject to Section 66493, after all certificates and security required under Section 66493 have been

filed and deposited with the clerk of the board of supervisors and approved by the county, the clerk of the board of supervisors shall certify that the certificates have been filed and deposits have been made and shall transmit the final map or parcel map to the county recorder.

(c) After the approval by the county of a final or parcel map of a subdivision within unincorporated territory, the map shall be transmitted ultimately to the county recorder.

(Amended by Stats. 1983, Ch. 1224; Stats. 1985, Ch. 114. Urgency; effective June 28, 1985.)

Owner's consent

66465. The subdivider shall present to the county recorder evidence that, at the time of the filing of the final or parcel map in the office of the county recorder, the parties consenting to such filing are all of the parties having a record title interest in the real property being subdivided whose signatures are required by this division, as shown by the records in the office of the recorder, otherwise the map shall not be filed.

For purposes of this section and Sections 66436, 66439, and 66447, a public entity which has obtained a prejudgment order for possession of property pursuant to Section 1255.410 of the Code of Civil Procedure shall be deemed to be the record title owner of the property or property interests described in the order, provided the order for possession has not been stayed or vacated pursuant to Section 1255.420, 1255.430, or 1255.440 of the Code of Civil Procedure, no motion therefor is pending before the court, and the time prescribed by Section 1255.420 of the Code of Civil Procedure for filing a motion for relief from the order has passed.

(Amended by Stats. 1979, Ch. 309.)

Review by county
recorder

66466. (a) The county recorder shall have not more than 10 days within which to examine a final or parcel map and either accept or reject it for filing.

(b) If the county recorder rejects a final or parcel map for filing, the county recorder shall, within 10 days thereafter, mail notice to the subdivider and the city engineer if the map is within a city, or the county surveyor if the map is within the unincorporated area, that the map has been rejected for filing, giving the reasons therefor, and that the map is being returned to the city clerk if the map is within a city, or to the clerk of the board if the map is within the unincorporated area, for action by the legislative body. Upon receipt of the map, the clerk shall place the map on the agenda of the

next regular meeting of the legislative body and the legislative body shall, within 15 days thereafter, rescind its approval of the map and return the map to the subdivider unless the subdivider presents evidence that the basis for the rejection by the county recorder has been removed. The subdivider may consent to a continuance of the matter; however, the prior approval of the legislative body shall be deemed rescinded during any period of continuance. If a map is returned to the county recorder, the county recorder shall have a new 10-day period to examine the map and either accept or reject it for filing.

(c) If the county recorder accepts the map for filing, such acceptance shall be certified on the face thereof. The map shall be securely fastened in a book of subdivision maps, in a book of parcel maps, or in a book of cities and towns which shall be kept for that purpose, or in such other manner as will assure that such maps will be kept together. The map shall become a part of the official records of the county recorder upon its acceptance by the county recorder for filing.

(d) The fee for filing and indexing such map is as prescribed in Section 27372 of the Government Code.

(e) The original map shall be stored for safekeeping in a reproducible condition. The county recorder may maintain for public reference a set of counter maps that are prints of the original maps and produce the original maps for comparison upon demand.

(Amended by Stats. 1980, Ch. 403.)

66467. This chapter shall not prevent filing in the office of the county recorder of a final or parcel map of a subdivision for which a final or parcel map is not required, provided such map meets the requirements of this division and any local ordinance.

(Added by Stats. 1974, Ch. 1536. Effective March 1, 1975.)

66468. The filing for record of a final or parcel map by the county recorder shall automatically and finally determine the validity of such map and when recorded shall impart constructive notice thereof.

(Added by Stats. 1974, Ch. 1536. Effective March 1, 1975.)

66468.1. Whenever separate documents are to be recorded concurrently with the final or parcel map pursuant to Section 66435.1 or 66445, the county recorder shall complete the cross-

**Filing of maps where
not required**

Effect of filing

Cross-referencing

reference to such concurrently recorded separate documents.

(Added by Stats. 1982, Ch. 87. Effective March 1, 1982.)

Authority to assign
clerk of board
duties

66468.2. The board of supervisors may, by resolution, authorize any county officer to perform the duties required of the clerk of the board of supervisors under this article.

(Added by Stats. 1984, Ch. 866.)

Article 7. Correction and Amendment of Maps

Amendment of filed
map

66469. After a final map or parcel map is filed in the office of the county recorder, it may be amended by a certificate of correction or an amending map:

(a) To correct an error in any course or distance shown thereon;

(b) To show any course or distance that was omitted therefrom;

(c) To correct an error in the description of the real property shown on the map;

(d) To indicate monuments set after the death, disability or retirement from practice of the engineer or surveyor charged with responsibilities or setting monuments; or

(e) To show the proper location or character of any monument which has been changed in location or character originally was shown at the wrong location or incorrectly as to its character.

(f) To correct any other type of map error or omission as approved by the county surveyor or city engineer, which does not affect any property right. Such errors and omissions may include, but are not limited to, lot numbers, acreage, street names, and identification of adjacent record maps.

As used in this section, "error" does not include changes in courses or distances from which an error is not ascertainable from the data shown on the final or parcel map.

(Amended by Stats. 1977, Ch. 234. Effective July 7, 1977.)

Procedures for
amendment

66470. The amending map or certificate of correction shall be prepared and signed by a registered civil engineer or licensed land surveyor. An amending map shall conform to the requirements of Section 66434, if a final map, or Section 66445, if a parcel map. The amending map or certificate of correction shall set forth in detail the corrections made and show the names of the present fee owners of the property affected by the correction or omission. Upon recordation

of a certificate of correction, the county recorder shall within 60 days of recording transmit a certified copy to the county surveyor or county engineer who shall maintain an index of recorded certificates of correction.

The county recorder may charge a fee, in addition to the fee charged for recording the certificate of correction, which shall be transmitted to the county surveyor or the county engineer, as compensation for the cost of maintaining an index of recorded certificates of correction. The amount of this additional fee shall not exceed the fee which is charged for recording the certificate of correction.

If the property affected by a map is located within a city, the county recorder shall, upon request of the city engineer, provide copies of recorded certificates of correction to the city engineer.

(Amended by Stats. 1977, Ch. 234. Effective July 7, 1977. Amended by Stats. 1985, Ch. 883.)

Review of amending map

66471. If the subdivision is in unincorporated territory, the county surveyor shall examine the amending map or certificate of correction and if the only changes made are those set forth in Section 66469, he shall certify to this fact on the amending map or certificate of correction. If the subdivision is in a city, such examination and certification shall be by the city engineer.

(Added by Stats. 1974, Ch. 1536. Effective March 1, 1975.)

Effect of amendment

66472. The amending map or certificate of correction certified by the county surveyor or city engineer shall be filed in the office of the county recorder in which the original map was filed. Upon such filing, the county recorder shall index the names of the fee owners and the appropriate tract designation shown on the amending map or certificate of correction in the general index and map index respectively. Thereupon, the original map shall be deemed to have been conclusively so corrected, and thereafter shall impart constructive notice of all such corrections in the same manner as though set forth upon the original map.

(Added by Stats. 1974, Ch. 1536. Effective March 1, 1975.)

Further modifications

66472.1. In addition to the amendments authorized by Section 66469, after a final map or parcel map is filed in the office of the county recorder, such a recorded final map may be modified by a certificate of correction or an amending map, if authorized by local ordinance, if the local agency finds that there are changes

in the circumstances which make any or all of the conditions of such a map no longer appropriate or necessary and that the modifications do not impose any additional burden on the present fee owner of the property, and if the modifications do not alter any right, title, or interest in the real property reflected on the recorded map, and the local agency finds that the map as modified conforms to the provisions of Section 66474. Any such modification shall be set for public hearing as provided for in Section 66451.3 of this division. The legislative body shall confine the hearing to consideration of and action on the proposed modification.

(Added by Stats. 1981, Ch. 1184.)

Chapter 4. Requirements

Article 1. General

Conditions for
approval/disapproval:
Finding required

66473. A local agency shall disapprove a map for failure to meet or perform any of the requirements or conditions imposed by this division or local ordinance enacted pursuant thereto; provided that a final map shall be disapproved only for failure to meet or perform requirements or conditions which were applicable to the subdivision at the time of approval of the tentative map; and provided further that such disapproval shall be accompanied by a finding identifying the requirements or conditions which have not been met or performed. Such local ordinance shall include, but need not be limited to, a procedure for waiver of the provisions of this section when the failure of the map is the result of a technical and inadvertent error which, in the determination of the local agency, does not materially affect the validity of the map.

(Amended by Stats. 1976, Ch. 21.)

Energy conservation

66473.1. The design of a subdivision for which a tentative map is required pursuant to Section 66426 shall provide, to the extent feasible, for future passive or natural heating or cooling opportunities in the subdivision.

Examples of passive or natural heating opportunities in subdivision design, include design of lot size and configuration to permit orientation of a structure in an east-west alignment for southern exposure.

Examples of passive or natural cooling opportunities in subdivision design include

design of lot size and configuration to permit orientation of a structure to take advantage of shade or prevailing breezes.

In providing for future passive or natural heating or cooling opportunities in the design of a subdivision, consideration shall be given to local climate, to contour, to configuration of the parcel to be divided, and to other design and improvement requirements, and such provision shall not result in reducing allowable densities or the percentage of a lot which may be occupied by a building or structure under applicable planning and zoning in force at the time the tentative map is filed.

The requirements of this section do not apply to condominium projects which consist of the subdivision of airspace in an existing building when no new structures are added.

For the purposes of this section, "feasible" means capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, social and technological factors.

(Added by Stats. 1978, Ch. 1154.)

Telephone service

66473.2. The legislative body of a city or county may, by ordinance, require the design of a subdivision for which a tentative map is required pursuant to Section 66426 to provide for the availability of individual household telephone service to each residential parcel in the subdivision.

(Added by Stats. 1980, Ch. 870.)

Cable television systems

66473.3 The legislative body of a city or county may, by ordinance, require the design of a subdivision for which a tentative map or parcel map is required pursuant to Section 66426 to provide one or more appropriate cable television systems an opportunity to construct, install, and maintain, on land identified on the map as dedicated or to be dedicated to public utility use, any equipment necessary to extend cable television services to each residential parcel in the subdivision.

"Appropriate cable television systems," as used in this section, means those franchised or licensed to serve the geographical area in which the subdivision is located.

This section shall not apply to the conversion of existing dwelling units to condominiums, community apartments, or stock cooperatives.

(Added by Stats. 1985, Ch. 917.)

Findings: Consistency with general and specific

66473.5. No local agency shall approve a tentative map, or a parcel map for which a tentative map was not required, unless the

plans

legislative body finds that the proposed subdivision, together with the provisions for its design and improvement, is consistent with the general plan required by Article 5 (commencing with Section 65300) of Chapter 3 of Division 1, or any specific plan adopted pursuant to Article 8 (commencing with Section 65450) of Chapter 3 of Division 1.

A proposed subdivision shall be consistent with a general plan or a specific plan only if the local agency has officially adopted such a plan and the proposed subdivision or land use is compatible with the objectives, policies, general land uses, and programs specified in such a plan.

(Amended by Stats. 1983, Ch. 101.)

Telephone or Cable TV
replacement,
undergrounding, or
relocation cost
reimbursement

66473.6. Whenever a city or county imposes as a condition to its approval of a tentative map or a parcel map a requirement that necessitates replacing, undergrounding, or permanently or temporarily relocating existing facilities of a telephone corporation or cable television system, the developer or subdivider shall reimburse the telephone corporation or cable television system for all costs for the replacement, undergrounding, or relocation. All these costs shall be billed after they are incurred, and shall include a credit for any required advance payments and for the salvage value of any facilities replaced. In no event shall the telephone corporation or cable television system be reimbursed for costs incurred in excess of the cost to replace the facilities with substantially similar facilities.

(Added by Stats. 1985, Ch. 865.)

Findings:
Grounds for denial

66474. A legislative body of a city or county shall deny approval of a tentative map, or a parcel map for which a tentative map was not required, if it makes any of the following findings:

(a) That the proposed map is not consistent with applicable general and specific plans as specified in Section 65451.

(b) That the design or improvement of the proposed subdivision is not consistent with applicable general and specific plans.

(c) That the site is not physically suitable for the type of development.

(d) That the site is not physically suitable for the proposed density of development.

(e) That the design of the subdivision or the proposed improvements are likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.

(f) That the design of the subdivision or type of improvements is likely to cause serious public health problems.

(g) That the design of the subdivision or the type of improvements will conflict with easements, acquired by the public at large, for access through or use of, property within the proposed subdivision. In this connection, the governing body may approve a map if it finds that alternate easements, for access or for use, will be provided, and that these will be substantially equivalent to ones previously acquired by the public. This subsection shall apply only to easements of record or to easements established by judgment of a court of competent jurisdiction and no authority is hereby granted to a legislative body to determine that the public at large has acquired easements for access through or use of property within the proposed subdivision.

(Amended by Stats. 1982, Ch. 518.)

Tentative map
approval with
EIR and finding

66474.01. Notwithstanding subdivision (e) of Section 66474, a local government may approve a tentative map, or a parcel map for which a tentative map was not required, if an environmental impact report was prepared with respect to the project and a finding was made pursuant to subdivision (c) of Section 21081 of the Public Resources Code that specific economic, social, or other considerations make infeasible the mitigation measures or project alternatives identified in the environmental impact report.

(Added by Stats. 1985, Ch. 738.)

Finding of substantial
compliance prohibits
denial

66474.1. A legislative body shall not deny approval of a final or parcel map if it has previously approved a tentative map for the proposed subdivision and if it finds that the final or parcel map is in substantial compliance with the previously approved tentative map.

(Amended by Stats. 1982, Ch. 87. Effective March 1, 1982.)

Tentative map approval

66474.2. In determining whether to approve or disapprove an application for a tentative map, the local agency shall apply only those ordinances, policies, and standards in effect at the date the local agency has determined that the application is complete pursuant to Section 65943 of the Government Code. However, if the local agency has formally initiated proceedings by way of ordinance or resolution and published notice of such ordinance or resolution, in accord with the procedures used by the local agency for publication of ordinances, to amend applicable general or specific plans, or zoning or

subdivision ordinances before it has received the complete application, the local agency may apply any ordinances, policies, or standards enacted or instituted as a result of those proceedings which are in effect on the date the local agency approves or disapproves the tentative map. If the subdivision applicant requests changes in applicable ordinances, policies or standards in connection with the same development project, any ordinances, policies or standards adopted pursuant to the applicant's request shall apply.

This section shall remain in effect only until January 1, 1989, and as of that date is repealed, unless a later enacted statute, which is chaptered before January 1, 1989, deletes or extends that date.

(Added by Stats. 1982, Ch. 1449. See note following 65961.)

Lands subject to
Williamson Act
contract

66474.4. (a) The legislative body of a city or county shall deny approval of a tentative map, or a parcel map for which a tentative map was not required, if it finds that the land is subject to a contract entered into pursuant to the California Land Conservation Act of 1965 (Chapter 7 (commencing with Section 51200) of Division 1 of Title 5) and that the resulting parcels following a subdivision of that land would be too small to sustain their agricultural use. For purposes of this section, land shall be presumed to be in parcels too small to sustain their agricultural use if the land is (1) less than 10 acres in size in the case of prime agricultural land, or (2) less than 40 acres in size in the case of land which is not prime agricultural land. For purposes of this section, agricultural land shall be presumed to be in parcels large enough to sustain their agricultural use if the land is (1) at least 10 acres in size in the case of prime agricultural land, or (2) at least 40 acres in size in the case of land which is not prime agricultural land.

(b) A legislative body may approve a subdivision with parcels smaller than those specified in this section if the legislative body makes either of the following findings:

(1) The parcels can nevertheless sustain an agricultural use permitted under the contract, or are subject to a written agreement for joint management pursuant to Section 51230.1, provided that the parcels which are jointly managed total at least 10 acres in size in the case of land which is not prime agricultural land.

(2) One of the parcels contains a residence and is subject to Section 428 of the Revenue and Taxation Code; the residence has existed on the property for at least five years; the landowner has owned the parcels for at least 10 years; and the remaining parcels shown on the map are at least 10 acres in size if the land is prime agricultural land, or at least 40 acres in size if the land is not prime agricultural land.

(c) No other homesite parcels as described in paragraph (2) of subdivision (b) may be created on any remaining parcels under contract for at least 10 years following the creation of a homesite parcel pursuant to this section.

(d) This section shall not apply to land which is subject to a contract when any of the following has occurred:

(1) A local agency formation commission has approved the annexation of the land to a city and the city will not succeed to the contract as provided in Sections 51243 and 51243.5.

(2) Written notice of nonrenewal of the contract has been served prior to March 7, 1985, as provided in Section 51245.

(3) Written notice of nonrenewal of the contract has been served on or after March 7, 1985, as provided in Section 51245, and, as a result of that notice, there are no more than three years remaining in the term of the contract.

(4) The board or council has granted tentative approval for cancellation of the contract as provided in Section 51282.

(e) This section shall not be construed as limiting the power of legislative bodies to establish minimum parcel sizes larger than those specified in subdivision (a).

(f) This section shall remain in effect only until January 1, 1991, and as of that date is repealed, unless a later enacted statute, which is chaptered before January 1, 1991, deletes or extends that date.

(Added by Stats. 1984, Ch. 1111. Amended by Stats. 1985, Ch. 788.)

66474.5. No local agency shall approve a final subdivision map for any land project, as defined in Section 11000.5 of the Business and Professions Code, unless:

(a) The local agency has adopted a specific plan covering the area proposed to be included within the land project.

(b) The local agency finds that the proposed land project, together with the provisions for

Repealer

**Approval of land
projects**

its design and improvement, is consistent with the specific plan for the area.

This section shall apply to land projects for which tentative maps were approved on or after November 10, 1969.

(Added by Stats. 1974, Ch. 1536. Effective March 1, 1975.)

Impact on community
sewer system/optional
disapproval with
findings

66474.6. The governing body of any local agency shall determine whether the discharge of waste from the proposed subdivision into an existing community sewer system would result in violation of existing requirements prescribed by a California regional water quality control board pursuant to Division 7 (commencing with Section 13000) of the Water Code. In the event that the governing body finds that the proposed waste discharge would result in or add to violation of requirements of such board, it may disapprove the tentative map or maps of the subdivision.

(Added by Stats. 1974, Ch. 1536. Effective March 1, 1975.)

Delegation of duties

66474.7. The responsibilities of the governing body under the provisions of Sections 66473.5, 66474, 66474.1 and 66474.6 may be assigned to an advisory agency or appeal board provided the governing body adopts an ordinance which allows any interested person to appeal any decision of the advisory agency or the appeal board relative to such matters to the governing body. Such appellant shall be entitled to the same notice and rights regarding testimony as are accorded a subdivider under Section 66452.5.

(Added by Stats. 1974, Ch. 1536. Effective March 1, 1975.)

Inapplicability of
certain local
grading and drainage
standards unless
agency has no other
standards

66474.8. No ordinance, regulation, policy, or procedure which regulates or prescribes standards for grading or drainage, adopted by or applicable to a local agency pursuant to Section 17922 or 17958 of the Health and Safety Code, shall apply to the construction of design or improvement work, including the rough grading of lots within the subdivision, performed pursuant to, or in connection with an approved or conditionally approved tentative map, final map, or parcel map unless the local agency has no other applicable ordinance, regulation, policy, or procedure which regulates or prescribes standards for grading or drainage for subdivision design or improvement.

(Added by Stats. 1985, Ch. 1504.)

Conditions requiring
subdivider to
indemnify the
local agency

66474.9. (a) Except as provided in a subdivision (b), a local agency may not require, as a condition for a tentative, parcel, or final map application or approval, that the subdivider or an agent of the subdivider, defend, indemnify,

or hold harmless the local agency or its agents, officers, and employees from any claim, action, or proceeding against the local agency as a result of the action or inaction of the local agency, advisory agency, appeal board, or legislative body in reviewing, approving, or denying the map.

(b) (1) A local agency may require, as a condition for a tentative, parcel, or final map application or approval, that the subdivider defend, indemnify, and hold harmless the local agency or its agents, officers, and employees from any claim, action, or proceeding against the local agency or its agents, officers, or employees to attack, set aside, void, or annul, an approval of the local agency, advisory agency, appeal board, or legislative body concerning a subdivision, which action is brought within the time period provided for in Section 66499.37.

(2) Any condition imposed pursuant to this subdivision shall include the requirement that the local agency promptly notify the subdivider of any claim, action, or proceeding and that the local agency cooperate fully in the defense. If the local agency fails to promptly notify the subdivider of any claim, action, or proceeding, or if the local agency fails to cooperate fully in the defense, the subdivider shall not thereafter be responsible to defend, indemnify, or hold harmless the local agency.

(c) Nothing contained in this section prohibits the local agency from participating in the defense of any claim, action, or proceeding, if both of the following occur:

(1) The agency bears its own attorney's fees and costs.

(2) The agency defends the action in good faith.

(d) The subdivider shall not be required to pay or perform any settlement unless the settlement is approved by the subdivider.

(Added by Stats. 1986, Ch. 789.)

Article 2. Advisory Agencies

Procedures for cities over 2,800,000

66474.60. (a) In cities having a population of more than 2,800,000, the design, improvement and survey data of subdivisions and the form and content of tentative and final maps thereof, and the procedure to be followed in securing official approval are governed by the provisions of this chapter and by the additional provisions of local

ordinances dealing with subdivisions, the enactment of which is required by this chapter.

(b) Local ordinances may provide a proper and reasonable fee to be collected from the subdivider for the examination of tentative and final maps.

(Amended by Stats. 1982, Ch. 518.)

**Findings:
Grounds for map
denial**

66474.61. In cities having a population of more than 2,800,000, the advisory agency, appeal board or legislative body shall deny approval of a tentative map, or a parcel map for which a tentative map was not required, if it makes any of the following findings:

(a) That the proposed map is not consistent with applicable general and specific plans as specified in Section 65451.

(b) That the design or improvement of the proposed subdivision is not consistent with applicable general and specific plans.

(c) That the site is not physically suitable for the type of development.

(d) That the site is not physically suitable for the proposed density of development.

(e) That the design of the subdivision or the proposed improvements are likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.

(f) That the design of the subdivision or the type of improvements is likely to cause serious public health problems.

(g) That the design of the subdivision or the type of improvements will conflict with easements, acquired by the public at large, for access through or use of property within the proposed subdivision. In this connection, the legislative body may approve a map if it finds that alternate easements, for access or for use, will be provided, and that these will be substantially equivalent to ones previously acquired by the public.

This subdivision shall apply only to easements of record or to easements established by judgment of a court of competent jurisdiction and no authority is hereby granted to a legislative body to determine that the public at large has acquired easements for access through or use of property within the proposed subdivision.

(Amended by Stats. 1982, Ch. 518.)

**Finding of substantial
compliance**

66474.62. In cities having a population of more than 2,800,000, a legislative body shall not deny approval of a final subdivision map pursuant to subdivision (c) of Section 66474.60 or Section 66474.61 if it, the advisory agency or the appeal

Impact on community
sewer system/optional
disapproval with
findings

Notice to subdivider

Dedications for
streets, access,
drainage

board has previously approved a tentative map for the proposed subdivision and if it finds that the final map is in substantial compliance with the previously approved tentative map and with the conditions to the approval thereof.

(Added by Stats. 1974, Ch. 1536. Effective March 1, 1975.)

66474.63. In cities having a population of more than 2,800,000, the advisory agency, appeal board or legislative body shall determine whether the discharge of waste from the proposed subdivision into an existing community sewer system would result in violation of existing requirements prescribed by a California regional water quality control board pursuant to Division 7 (commencing with Section 13000) of the Water Code. In the event that the advisory agency, appeal board or legislative body finds that the proposed waste discharge would result in or add to violation of requirements of such board, the body making such finding may disapprove the tentative map or maps of the subdivision.

(Added by Stats. 1974, Ch. 1536. Effective March 1, 1975.)

66474.64. In cities having a population of more than 2,800,000, if the legislative body authorizes the advisory agency to report its action directly to the subdivider, the advisory agency shall, prior to making its report to the subdivider upon a subdivision as defined in this chapter, give notice of hearing in such manner as may be prescribed by local ordinance to the subdivider and to all property owners within 300 feet of the proposed subdivision and pursuant thereto shall conduct a public hearing at which time all persons interested in or affected by such proposed subdivision shall be heard.

(Added by Stats. 1974, Ch. 1536. Effective March 1, 1975.)

Article 3. Dedications

66475. There may be imposed by local ordinance a requirement of dedication or irrevocable offer of dedication of real property within the subdivision for streets, alleys, including access rights and abutter's rights, drainage, public utility easements and other public easements. Such irrevocable offers may be terminated as provided in subdivisions (c) and (d) of Section 66477.2.

(Added by Stats. 1974, Ch. 1536. Effective March 1, 1975.)

Bicycle paths

66475.1. Whenever a subdivider is required pursuant to Section 66475 to dedicate roadways to the public, he may also be required to dedicate such additional land as may be necessary and feasible to provide bicycle paths for the use and safety of the residents of the subdivision, if the subdivision, as shown on the final map thereof, contains 200 or more parcels.

(Added by Stats. 1974, Ch. 1536. Effective March 1, 1975.)

Local transit facilities

66475.2. There may be imposed by local ordinance a requirement of dedication or irrevocable offer of dedication of land within the subdivision for local transit facilities such as bus turnouts, benches, shelters, landing pads and similar items which directly benefit the residents of a subdivision if (a) the subdivision as shown on the tentative map has the potential for 200 dwelling units or more if developed to the maximum density shown on the adopted general plan or contains 100 acres or more, and (b) the governing body finds that transit services are or will within a reasonable time period be made available to such subdivision. Such irrevocable offers may be terminated as provided in subdivision (c) and (d) of Section 66477.2.

The provisions of this section do not apply to condominium projects or stock cooperatives which consist of the subdivision of airspace in an existing apartment building which is more than five years old when no new dwelling units are added.

(Amended by Stats. 1979, Ch. 1192.)

Sunlight easements

66475.3. For divisions of land for which a tentative map is required pursuant to Section 66426, the legislative body of a city or county may by ordinance require, as a condition of the approval of a tentative map, the dedication of easements for the purpose of assuring that each parcel or unit in the subdivision for which approval is sought shall have the right to receive sunlight across adjacent parcels or units in the subdivision for which approval is sought for any solar energy system, provided that such ordinance contains all of the following:

(1) Specifies the standards for determining the exact dimensions and locations of such easements.

(2) Specifies any restrictions on vegetation, buildings and other objects which would obstruct the passage of sunlight through the easement.

(3) Specifies the terms or conditions, if any, under which an easement may be revised or terminated.

(4) Specifies that in establishing such easements consideration shall be given to feasibility, contour, configuration of the parcel to be divided, and cost, and that such easements shall not result in reducing allowable densities or the percentage of a lot which may be occupied by a building or a structure under applicable planning and zoning in force at the time such tentative map is filed.

(5) Specifies that the ordinance is not applicable to condominium projects which consist of the subdivision of airspace in an existing building where no new structures are added.

For the purposes of this section, "solar energy systems" shall be defined as set forth in Section 801.5 of the Civil Code.

For purposes of this section, "feasibility" shall have the same meaning as set forth in Section 66473.1 for the term "feasible".

(Added by Stats. 1978, Ch. 1154.)

Dedications:
Judicial review

66475.4. (a) As used in this section, "dedication" means a transfer by a subdivider to a city, county, or city and county of title to real property or any interest therein, or of an easement or right in real property, the transfer of facilities, or the installation of improvements as defined in Section 66419, or any combination thereof.

Excessive dedications

(b) A dedication requirement imposed as a condition of approval of a tentative map is invalid to the extent to which it is determined by a court to be excessive. A dedication requirement is excessive to the extent it is not reasonably necessary to meet public needs arising as a result of the subdivision. If, at the time of imposition of the dedication requirement, a city, county, or city and county provides a mechanism for determining the amount of compensation for that portion of the dedication requirement which is excessive, and the manner of payment thereof, this section shall not apply.

Protest of excessive dedications

(c) A dedication requirement claimed to be excessive in whole or in part, which is imposed as a condition of approval of a tentative map, may be reviewed by a writ of administrative mandate pursuant to Section 1094.5 of the Code of Civil Procedure. In such a proceeding, the petitioner must have protested in the administrative record the imposition of the dedication, or portion of the dedication, claimed to be excessive. The petition for the writ shall

be filed within the time prescribed by Section 66499.37.

**Invalid dedications:
Judicial relief**

(d) If the dedication requirement is determined to be excessive, in whole or in part, the court shall order the city, county, or city and county which imposed the requirement to elect, within 45 days of the date of its order, to take one of the following actions:

(1) To require amendment of the tentative subdivision map or redesign of the subdivision, taking into account the court's decision and the requirements of Sections 66473.1, 66473.5, 66474, and 66474.6.

(2) To pay just compensation for that portion of the dedication determined to be excessive.

(3) To require amendment of the tentative subdivision map by deletion or modification of the dedication found to be excessive.

Just compensation

(e) If the city, county, or city and county elects to pay compensation, the amount of compensation shall be determined as provided by Chapters 8 (commencing with Section 1260.010) and 9 (commencing with Section 1263.010) of Title 7 of Part 3 of the Code of Civil Procedure.

**Modification of map
or dedication**

(f) If the city, county, or city and county elects to require redesign of the map or to delete or modify the excessive dedication requirement, the court shall order the action to be taken within 120 days or such longer period of time as determined by the court upon application of either party. The court shall retain jurisdiction to ensure compliance with its order.

Inaction

(g) If, within 45 days after the date of the court's order, the city, county, or city and county does not elect to take one of the actions specified in paragraph (1) or (3) of subdivision (d), it shall be conclusively presumed to have elected to pay just compensation.

**Inapplicability:
Mitigation measures**

(h) The provisions of this section do not apply to any mitigation measures imposed by local agencies pursuant to the California Environmental Quality Act (Division 13 (commencing with Section 21000) of the Public Resources Code) to mitigate adverse environmental impacts identified in an environmental document prepared for the project under that act.

Repealer

(i) This section shall remain in effect only until January 1, 1988, and as of that date is repealed, unless a later enacted statute, which is enacted before January 1, 1988, deletes or extends that date.

(Added by Stats. 1984, Ch. 1722.)

**Waiver of access
rights**

66476. There may be imposed by local ordinance a requirement that dedications or offers of

**Local requirements for
park and recreation
dedications
(Quimby Act)**

dedication of streets include a waiver of direct access rights to any such street from any property shown on a final or parcel map as abutting thereon and if the dedication is accepted, any such waiver shall become effective in accordance with its provisions.

(Added by Stats. 1974, Ch. 1536. Effective March 1, 1975.)

66477. The legislative body of a city or county may, by ordinance, require the dedication of land or impose a requirement of the payment of fees in lieu thereof, or a combination of both, for park or recreational purposes as a condition to the approval of a tentative map or parcel map, provided that:

(a) The ordinance has been in effect for a period of 30 days prior to the filing of the tentative map of the subdivision or parcel map.

(b) The ordinance includes definite standards for determining the proportion of a subdivision to be dedicated and the amount of any fee to be paid in lieu thereof. The amount of land dedicated or fees paid shall be based upon the residential density, which shall be determined on the basis of the approved or conditionally approved tentative map or parcel map and the average number of persons per household. There shall be a rebuttable presumption that the average number of persons per household by units in a structure is the same as that disclosed by the most recent available federal census or a census taken pursuant to Chapter 17 (commencing with Section 40200) of Part 2 of Division 3 of Title 4. However, the dedication of land, or the payment of fees, or both, shall not exceed the proportionate amount necessary to provide three acres of park area per 1,000 persons residing within a subdivision subject to this section, unless the amount of existing neighborhood and community park area, as calculated pursuant to this subdivision, exceeds that limit, in which case the legislative body may adopt the calculated amount as a higher standard not to exceed five acres per 1,000 persons residing within a subdivision subject to this section.

(1) The park area per 1,000 members of the population of the city, county, or local public agency shall be derived from the ratio that the amount of neighborhood and community park acreage bears to the total population of the city, county, or local public agency as shown in the most recent available federal census. The amount of neighborhood and community park acreage shall

be the actual acreage of existing neighborhood and community parks of the city, county, or local public agency as shown on its records, plans, recreational element, maps, or reports as of the date of the most recent available federal census.

(2) For cities incorporated after the date of the most recent available federal census, the park area per 1,000 members of the population of the city shall be derived from the ratio that the amount of neighborhood and community park acreage shown on the records, maps, or reports of the county in which the newly incorporated city is located bears to the total population of the new city as determined pursuant to Section 11005 of the Revenue and Taxation Code. In making any subsequent calculations pursuant to this section, the county in which the newly incorporated city is located shall not include the figures pertaining to the new city which were calculated pursuant to this paragraph. Fees shall be payable at the time of the recording of the final map or parcel map or at a later time as may be prescribed by local ordinance.

(c) The land, fees, or combination thereof are to be used only for the purpose of developing new or rehabilitating existing neighborhood or community park or recreational facilities to serve the subdivision.

(d) The legislative body has adopted a general plan or specific plan containing policies and standards for parks and recreation facilities, and the park and recreational facilities are in accordance with definite principles and standards.

(e) The amount and location of land to be dedicated or the fees to be paid shall bear a reasonable relationship to the use of the park and recreational facilities by the future inhabitants of the subdivision.

(f) The city, county, or other local public agency to which the land or fees are conveyed or paid shall develop a schedule specifying how, when, and where it will use the land or fees, or both, to develop park or recreational facilities to serve the residents of the subdivision. Any fees collected under the ordinance shall be committed within five years after the payment of such fees or the issuance of building permits on one-half of the lots created by the subdivision, whichever occurs later. If the fees are not committed, they, without any deductions, shall be distributed and paid to the then record owners of the subdivision in the same proportion that the

size of their lot bears to the total area of all lots within the subdivision.

(g) Only the payment of fees may be required in subdivisions containing 50 parcels or less, except that when a condominium project, stock cooperative, or community apartment project exceeds 50 dwelling units, dedication of land may be required notwithstanding that the number of parcels may be less than 50.

(h) Subdivisions containing less than five parcels and not used for residential purposes shall be exempted from the requirements of this section. However a condition may be placed on the approval of such parcel map that if a building permit is requested for construction of a residential structure or structures on one or more of the parcels within four years the fee may be required to be paid by the owner of each such parcel as a condition to the issuance of such permit.

(i) If the subdivider provides park and recreational improvements to the dedicated land, the value of the improvements together with any equipment located thereon shall be a credit against the payment of fees or dedication of land required by the ordinance.

Land or fees required under this section shall be conveyed or paid directly to the local public agency which provides park and recreational services on a communitywide level and to the area within which the proposed development will be located, if such agency elects to accept the land or fee. The local agency accepting such land or funds shall develop the land or use the funds in the manner provided in this section.

If park and recreational services and facilities are provided by a public agency other than a city or a county, the amount and location of land to be dedicated or fees to be paid shall, subject to subdivision (b), be jointly determined by the city or county having jurisdiction and such public agency.

This section does not apply to commercial or industrial subdivisions or to condominium projects or stock cooperatives which consist of the subdivision of airspace in an existing apartment building which is more than five years old when no new dwelling units are added.

Planned developments, real estate developments, stock cooperatives, and community apartment projects, as defined in Sections 11003, 11003.1, 11003.2, 11003.4, and 11004, respectively, of the Business and Professions Code, and condominiums, as defined in Section 783

of the Civil Code, shall be eligible to receive a credit, as determined by the legislative body, against the amount of land required to be dedicated, or the amount of the fee imposed, pursuant to this section, for the value of private open space within the development which is usable for active recreational uses.

Park and recreation purposes shall include land and facilities for the activity of "recreational community gardening," which activity consists of the cultivation by persons other than, or in addition to, the owner of such land, of plant material not for sale.

(Amended by Stats. 1984, Ch. 1009; Stats. 1985, Ch. 286; Amended by Stats. 1986, Ch. 291.)

**Acceptance/rejection
of dedications**

66477.1. (a) At the time the legislative body approves a final map, it shall also accept, accept subject to improvement, or reject any offer of dedication. The clerk of the legislative body shall certify on the map the action by the legislative body.

(b) The legislative body of a county may accept into the county road system, pursuant to Section 941 of the Streets and Highways Code, any road for which an offer of dedication has been accepted or accepted subject to improvements.

(Added by Stats. 1974, Ch. 1536. Effective March 1, 1975; Amended by Stats. 1985, Ch. 114. Urgency; effective June 28, 1985.)

**Rescission of rejection,
termination
and abandonment of
dedication offer**

66477.2. (a) If at the time the final map is approved, any streets, paths, alleys, public utility easements, rights-of-way for local transit facilities such as bus turnouts, benches, shelters, landing pads, and similar items, which directly benefit the residents of a subdivision, or storm drainage easements are rejected, subject to Section 771.010 of the Code of Civil Procedure, the offer of dedication shall remain open and the legislative body may by resolution at any later date, and without further action by the subdivider, rescind its action and accept and open the streets, paths, alleys, rights-of-way for local transit facilities such as bus turnouts, benches, shelters, landing pads, and similar items, which directly benefit the residents of a subdivision, or storm drainage easements for public use, which acceptance shall be recorded in the office of the county recorder.

(b) In the case of any subdivision fronting upon the ocean coastline or bay shoreline, the offer of dedication of public access route or routes from public highways to land below the ordinary high watermark shall be accepted within three years after the approval of the final map;

in the case of any subdivision fronting upon any public waterway, river, or stream, the offer of dedication of public access route or routes from public highways to the bank of the waterway, river, or stream and the public easement along a portion of the bank of the waterway, river, or stream shall be accepted within three years after the approval of the final map; in the case of any subdivision fronting upon any lake or reservoir which is owned in part or entirely by any public agency, including the state, the offer of dedication of public access route or routes from public highways to any water of such lake or reservoir shall be accepted within five years after the approval of the final map; all other offers of dedication may be accepted at any time.

(c) Offers of dedication which are covered by subdivision (a) may be terminated and abandoned in the same manner as prescribed for the summary vacation of streets by Part 3 (commencing with Section 8300) of Division 9 of the Streets and Highways Code.

(d) Offers of dedication which are not accepted within the time limits specified in subdivision (b) shall be deemed abandoned.

(e) Except as provided in Sections 66499.16, 66499.17, and 66499.18, if a resubdivision or reversion to acreage of the tract is subsequently filed for approval, any offer of dedication previously rejected shall be deemed to be terminated upon the approval of the map by the legislative body.

(Amended by Stats. 1982, Ch. 87. Effective March 1, 1982.)

**Dedication acceptance
ineffective until
map filed**

66477.3. Acceptance of offers of dedication on a final map shall not be effective until the final map is filed in the office of the county recorder or a resolution of acceptance by the legislative body is filed in such office.

(Added by Stats. 1974, Ch. 1536. Effective March 1, 1975.)

**Use of interest for
park maintenance**

66477.5. Any city, county, or city and county may use the interest earned on the accumulated in-lieu fees required pursuant to Section 66477 for the maintenance of any existing park within the city, county, or city and county.

Repealer

This section shall remain in effect only until January 1, 1987, and as of that date is repealed, unless a later enacted statute which is chaptered before January 1, 1987, deletes or extends that date.

(Amended by Stats. 1984, Ch. 896.)

School site dedications

66478. Whether by request of a county board of education or otherwise, a city or county may

adopt an ordinance requiring any subdivider who develops or completes the development of one or more subdivisions in one or more school districts maintaining an elementary school to dedicate to the school district, or districts, within which such subdivisions are to be located, such land as the local legislative body shall deem to be necessary for the purpose of constructing thereon such elementary schools as are necessary to assure the residents of the subdivision adequate public school service. In no case shall the local legislative body require the dedication of an amount of land which would make development of the remaining land held by the subdivider economically unfeasible or which would exceed the amount of land ordinarily allowed under the procedures of the State Allocation Board.

An ordinance adopted pursuant to this section shall not be applicable to a subdivider who has owned the land being subdivided for more than 10 years prior to the filing of the tentative maps in accordance with Article 2 (commencing with Section 66452) of Chapter 3 of this division. The requirement of dedication shall be imposed at the time of approval of the tentative map. If, within 30 days after the requirement of dedication is imposed by the city or county, the school district does not offer to enter into a binding commitment with the subdivider to accept the dedication, the requirement shall be automatically terminated. The required dedication may be made any time before, concurrently with, or up to 60 days after, the filing of the final map on any portion of the subdivision. The school district shall, in the event that it accepts the dedication, repay to the subdivider or his successors the original cost to the subdivider of the dedicated land, plus a sum equal to the total of the following amounts:

(a) The cost of any improvements to the dedicated land since acquisition by the subdivider.

(b) The taxes assessed against the dedicated land from the date of the school district's offer to enter into the binding commitment to accept the dedication.

(c) Any other costs incurred by the subdivider in maintenance of such dedicated land, including interest costs incurred on any loan covering such land.

If the land is not used by the school district, as a school site, within 10 years after dedication, the subdivider shall have the option

to repurchase the property from the district for the amount paid therefor.

The school district to which the property is dedicated shall record a certificate with the county recorder in the county in which the property is located. The certificate shall contain the following information:

(1) The name and address of the subdivider dedicating the property.

(2) A legal description of the real property dedicated.

(3) A statement that the subdivider dedicating the property has an option to repurchase the property if it is not used by the school district as a school site within 10 years after dedication.

(4) Proof of the acceptance of the dedication by the school district and the date of the acceptance. The certificate shall be recorded not more than 10 days after the date of acceptance of the dedication. The subdivider shall have the right to compel the school district to record such certificate, but until such certificate is recorded, any rights acquired by any third party dealing in good faith with the school district shall not be impaired or otherwise affected by the option right of the subdivider.

If any subdivider is aggrieved by, or fails to agree to the reasonableness of any requirement imposed pursuant to this section, he may bring a special proceeding in the superior court pursuant to Section 66499.37.

(Added by Stats. 1974, Ch. 1536. Effective March 1, 1975.)

Article 3.5. Public Access to Public Resources

Intent

66478.1. It is the intent of the Legislature, by the provisions of Sections 66478.1 through 66478.10 of this article to implement Section 4 *** of Article X of the California Constitution *** insofar as Sections 66478.1 through 66478.10 are applicable to navigable waters.

(Amended by Stats. 1975, Ch. 24. Effective April 4, 1975; Amended by Stats. 1986, Ch. 1019.

State policy: Growth and natural resources

66478.2. The Legislature finds and declares that the public natural resources of this state are limited in quantity and that the population of this state has grown at a rapid rate and will continue to do so, thus increasing the need for utilization of public natural resources. The increase in population has also increased demand

for private property adjacent to public natural resources through real estate subdivision developments which resulted in diminishing public access to public natural resources.

(Added by Stats. 1974, Ch. 1536. Effective March 1, 1975.)

State policy:
Increased public
access

66478.3. The Legislature further finds and declares that it is essential to the health and well-being of all citizens of this state that public access to public natural resources be increased. It is the intent of the Legislature to increase public access to public natural resources.

(Added by Stats. 1974, Ch. 1536. Effective March 1, 1975.)

Access to navigable
waters

66478.4. (a) No local agency shall approve either a tentative or a final map of any proposed subdivision to be fronted upon a public waterway river or stream which does not provide, or have available, reasonable public access by fee or easement from a public highway to that portion of the bank of the river or stream bordering or lying within the proposed subdivision.

(b) Reasonable public access shall be determined by the local agency in which the proposed subdivision is to be located. In making the determination of what shall be reasonable access, the local agency shall consider all of the following:

(1) That access may be by highway, foot trail, bike trail, horse trail, or any other means of travel.

(2) The size of the subdivision.

(3) The type of riverbank and the various appropriate recreational, educational, and scientific uses, including, but not limited to, swimming, diving, boating, fishing, water skiing, scientific collection, and teaching.

(4) The likelihood of trespass on private property and reasonable means of avoiding such trespasses.

(c) A public waterway river or stream for the purposes of Sections 66477.2, 66478.4, 66478.5 and 66478.6 means those waterways, rivers and streams defined in Sections 100 through 106 of the Harbors and Navigation Code, any stream declared to be a public highway for fishing pursuant to Sections 25660 through 25662 of the Government Code, the rivers listed in Section 1505 of the Fish and Game Code as spawning areas, all waterways, rivers and streams downstream from any state or federal salmon or steelhead fish hatcheries.

**Easement along
waterways**

(Added by Stats. 1974, Ch. 1536. Effective March 1, 1975.)

66478.5. (a) No local agency shall approve either a tentative or a final map of any proposed subdivision to be fronted upon a public waterway river or stream which does not provide for a dedication of a public easement along a portion of the bank of the river or stream bordering or lying within the proposed subdivision.

(b) The extent, width and character of the public easement shall be reasonably defined to achieve reasonable public use of the public waterway river or stream consistent with public safety. The reasonableness and extent of the easement shall be determined by the local agency in which the proposed subdivision is to be located. In making the determination for reasonably defining the extent, width, and character of the public easement, the local agency shall consider all of the following:

(1) That the easement may be for a foot trail, bicycle trail, or horse trail.

(2) The size of the subdivision.

(3) The type of riverbank and the various appropriate recreational, educational and scientific uses including, but not limited to, swimming, diving, boating, fishing, water skiing, scientific collection and teaching.

(4) The likelihood of trespass on private property and reasonable means of avoiding such trespasses.

(Added by Stats. 1974, Ch. 1536. Effective March 1, 1975.)

Designation on map

66478.6. Any public access route or routes and any easement along the bank of a public waterway river or stream provided by the subdivider shall be expressly designated on the tentative or final map, and such map shall expressly designate the governmental entity to which such route or routes are dedicated and its acceptance of such dedication.

(Amended by Stats. 1975, Ch. 24. Effective April 4, 1975.)

No limitation on parks

66478.7. Nothing in this article shall be construed to limit any powers or duties in connection with or affect the operation of beaches or parks in this state or to limit or decrease the authority, powers, or duties of any public agency or entity.

(Added by Stats. 1974, Ch. 1536. Effective March 1, 1975.)

**Alternative access/
availability finding**

66478.8. Nothing in Sections 66478.1 through 66478.10 of this article shall require a local agency to disapprove either a tentative or final

map solely on the basis that the reasonable public access otherwise required by this article is not provided through or across the subdivision itself, if the local agency makes a finding that such reasonable public access is otherwise available within a reasonable distance from the subdivision.

Any such finding shall be set forth on the face of the tentative or final map.

(Amended by Stats. 1975, Ch. 24. Effective April 4, 1975.)

Inapplicability:
Power facilities

66478.9. Nothing in Section 66478.5 shall apply to the site of electric power generating facilities.

(Added by Stats. 1974, Ch. 1536. Effective March 1, 1975.)

Inapplicability:
Industrial
subdivisions

66478.10. Nothing in Sections 66478.1 through 66478.10 of this article shall apply to industrial subdivisions.

(Added by Stats. 1974, Ch. 1536. Effective March 1, 1975.)

Access to coastline

66478.11. (a) No local agency shall approve either the tentative or the final map of any subdivision fronting upon the coastline or shoreline which subdivision does not provide or have available reasonable public access by fee or easement from public highways to land below the ordinary high water mark on any ocean coastline or bay shoreline within or at a reasonable distance from the subdivision.

Any public access route or routes provided by the subdivider shall be expressly designated on the tentative or final map, and such map shall expressly designate the governmental entity to which such route or routes are dedicated.

(b) Reasonable public access, as used in subdivision (a), shall be determined by the local agency in which the subdivision lies.

(c) In making the determination of what shall be reasonable public access, the local agency shall consider:

(1) That access may be by highway, foot trail, bike trail, horse trail, or any other means of travel.

(2) The size of the subdivision.

(3) The type of coastline or shoreline and the various appropriate recreational, educational, and scientific uses, including, but not limited to, diving, sunbathing, surfing, walking, swimming, fishing, beachcombing, taking of shellfish and scientific exploration.

(4) The likelihood of trespass on private property and reasonable means of avoiding such trespasses.

Finding

(d) Nothing in this section shall require a local agency to disapprove either a tentative or final map solely on the basis that the reasonable public access otherwise required by this section is not provided through or across the subdivision itself, if the local agency makes a finding that such reasonable public access is otherwise available within a reasonable distance from the subdivision.

Any such finding shall be set forth on the face of the tentative or final map.

(e) The provisions of this section shall not apply to the final map of any subdivision the tentative map of which has been approved by a local agency prior to the effective date of this section.

(f) The provisions of this section shall not apply to the final or tentative map of any subdivision which is in compliance with the plan of any planned development or any planned community which has been approved by a local agency prior to December 31, 1968. The exclusion provided by this subdivision shall be in addition to the exclusion provided by subdivision (e).

(g) Nothing in this section shall be construed as requiring the subdivider to improve any access route or routes which are primarily for the benefit of nonresidents of the subdivision area.

(h) Any access route or routes provided by the subdivider pursuant to this section may be conveyed or transferred to any state or local agency by the governmental entity to which such route or routes have been dedicated, at any future time, by mutual consent of such governmental entity and the particular state or local agency. Such conveyance or transfer shall be recorded by the recipient state or local agency in the office of the county recorder of the county in which such route or routes are located.

(Amended by Stats. 1975, Ch. 24. Effective April 4, 1975.)

Access to reservoir or lake

66478.12. (a) No local agency shall approve either the tentative or the final map of any subdivision fronting upon any lake or reservoir which is owned in part or entirely by any public agency including the state, which subdivision does not provide or have available reasonable access by fee or easement from public highways to any water of the lake or reservoir upon which the subdivision borders either within the subdivision or a reasonable distance from the subdivision.

Any public access route or routes provided by the subdivider shall be expressly designated on

the tentative or final map, and such map shall expressly designate the governmental entity to which such route or routes are dedicated and its acceptance of such dedication.

(b) Reasonable access, as used in subdivision (a), shall be determined by the local agency in which the subdivision lies.

(c) In making the determination of what shall be reasonable access, the local agency shall consider:

(1) That access may be by highway, foot trail, bike trail, horse trail, or any other means of travel.

(2) The size of the subdivision.

(3) The type of shoreline and the various appropriate recreational, educational, and scientific uses, including, but not limited to, swimming, diving, boating, fishing, water skiing, scientific exploration, and teaching.

(4) The likelihood of trespass on private property and reasonable means of avoiding such trespasses.

(d) Nothing in this section shall require a local agency to disapprove either a tentative or final map solely on the basis that the reasonable access otherwise required by this section is not provided through or across the subdivision itself, if the local agency makes a finding that such reasonable access is otherwise available within a reasonable distance from the subdivision.

Any such finding shall be set forth on the face of the tentative or final map.

(e) The provisions of this section shall not apply to the final map of any subdivision the tentative map of which has been approved by a local agency prior to the effective date of this section.

(f) Any access route or routes provided by the subdivider pursuant to this section may be conveyed or transferred to any state or local agency by the governmental entity to which such route or routes have been dedicated, at any future time, by mutual consent of such governmental entity and the particular state or local agency. Such conveyance or transfer shall be recorded by the recipient state or local agency in the office of the county recorder of the county in which such route or routes are located.

(Amended by Stats. 1975, Ch. 24. Effective April 4, 1975.)

66478.13. No local agency shall issue any permit or grant any approval necessary to develop

Application to certain
land divisions/finding

any real property which is excluded from regulation under this division as a subdivision pursuant to subdivision (d) of Section 66426 because such property is in excess of 40 acres and was created as such a parcel after December 31, 1969, when such property fronts on the coastline or a shoreline, unless it finds that reasonable public access has been provided from public highways to land below the ordinary high-water mark or any ocean coastline or bay shoreline or any water of a lake or reservoir upon which the real property fronts.

"Reasonable public access" as used in this section shall be determined by the local agency in which the real property lies. In making such determination the local agency shall use the same criteria as those set forth in subdivisions (c) and (d) of Section 66478.11 and subdivisions (c) and (d) of Section 66478.12.

(Added by Stats. 1974, Ch. 1536. Effective March 1, 1975.)

Subdivision to benefit

66478.14. Nothing in this article shall be construed as requiring the subdivider to improve any route or routes which are primarily for the benefit of nonresidents of the subdivision area or nonowners of the real property in question.

(Added by Stats. 1974, Ch. 1536. Effective March 1, 1975.)

Article 4. Reservations

Authority to impose reservation of lands for public use

66479. There may be imposed by local ordinance a requirement that areas of real property within the subdivision be reserved for parks, recreational facilities, fire stations, libraries, or other public uses, subject to the following conditions:

(a) The requirement is based upon an adopted specific plan or an adopted general plan containing policies and standards for those uses, and the required reservations are in accordance with those policies and standards.

(b) The ordinance has been in effect for a period of at least 30 days prior to the filing of the tentative map.

(c) The reserved area is of such size and shape as to permit the balance of the property within which the reservation is located to develop in an orderly and efficient manner.

(d) The amount of land reserved will not make development of the remaining land held by the subdivider economically unfeasible.

The reserved area shall conform to the adopted specific or general plan and shall be in such multiples of streets and parcels as to permit an efficient division of the reserved area in the event that it is not acquired within the prescribed period; in such event, the subdivider shall make those changes as are necessary to permit the reserved area to be developed for the intended purpose consistent with good subdividing practices.

(Added by Stats. 1974, Ch. 1536 [effective March 1, 1975]. Amended by Stats. 1984, Ch. 1009.)

**Binding agreement to
acquire reservation**

66480. The public agency for whose benefit an area has been reserved shall at the time of approval of the final map or parcel map enter into a binding agreement to acquire such reserved area within two years after the completion and acceptance of all improvements, unless such period of time is extended by mutual agreement. The purchase price shall be the market value thereof at the time of the filing of the tentative map plus the taxes against such reserved area from the date of the reservation and any other costs incurred by the subdivider in the maintenance of such reserved area, including interest costs incurred on any loan covering such reserved area.

(Added by Stats. 1974, Ch. 1536. Effective March 1, 1975.)

**Termination of
reservation**

66481. If the public agency for whose benefit an area has been reserved does not enter into such a binding agreement, the reservation of such area shall automatically terminate.

(Added by Stats. 1974, Ch. 1536. Effective March 1, 1975.)

Additional authority

66482. The authority granted by this article is additional to all other authority granted by law to local agencies relating to subdivisions and shall in no way be construed as a limitation on or diminution of any such authority.

(Added by Stats. 1974, Ch. 1536. Effective March 1, 1975.)

**Calculation of costs/
findings**

Article 5. Fees

66483. There may be imposed by local ordinance a requirement for the payment of fees for purposes of defraying the actual or estimated costs of constructing planned drainage facilities for the removal of surface and storm waters from local or neighborhood drainage areas and of constructing planned sanitary sewer facilities

Local ordinance

for local sanitary sewer areas, subject to the following conditions:

(a) The ordinance has been in effect for a period of at least 30 days prior to the filing of the tentative map or parcel map if no tentative map is required.

Drainage plans

(b) The ordinance refers to a drainage or sanitary sewer plan adopted for a particular drainage or sanitary sewer area which contains an estimate of the total costs of constructing the local drainage or sanitary sewer facilities required by the plan, and a map of such area showing its boundaries and the location of such facilities.

Conformity of plans

(c) The drainage or sanitary sewer plan, in the case of a city situated in a county having a countywide general drainage or sanitary sewer plan, has been determined by resolution of the legislative body of the county to be in conformity with such a county plan; or in the case of a city situated in a county not having such a plan but in a district having such a plan, has been determined by resolution of the legislative body of the district to be in conformity with the district general plan; or in the case of a city situated in a county having such a plan and in a district having such a plan, has been determined by resolution of the legislative body of the county to be in conformity with such a plan and by resolution of the legislative body of the district to be in conformity with the district general plan.

Calculation of costs

(d) The costs, whether actual or estimated, are based upon findings by the legislative body which has adopted the local plan, that subdivision and development of property within the planned local drainage area or local sanitary sewer area will require construction of the facilities described in the drainage or sewer plan, and that the fees are fairly apportioned within such areas either on the basis of benefits conferred on property proposed for subdivision or on the need for such facilities created by the proposed subdivision and development of other property within such areas.

Pro rata share

(e) The fee as to any property proposed for subdivision within such a local area does not exceed the pro rata share of the amount of the total actual or estimated costs of all facilities within such area which would be assessable on such property if such costs were apportioned uniformly on a per-acre basis.

**Extra facilities
required**

(f) The drainage or sanitary sewer facilities planned are in addition to existing facilities

Deposit of funds

serving the area at the time of the adoption of such a plan for the area.

Such fees shall be paid to the local public agencies which provide drainage or sanitary sewer facilities, and shall be deposited by such agencies into a "planned local drainage facilities fund" and a "planned local sanitary sewer fund," respectively. Separate funds shall be established for each local drainage and sanitary sewer area. Moneys in such funds shall be expended solely for the construction or reimbursement for construction of local drainage or sanitary sewer facilities within the area from which the fees comprising the fund were collected, or to reimburse the local agency for the cost of engineering and administrative services to form the district and design and construct the facilities. The local ordinance may provide for the acceptance of considerations in lieu of the payment of fees.

A local agency imposing or requesting the imposition of, fees pursuant to this section, including the agencies providing the facilities, may advance money from its general fund to pay the costs of constructing such facilities within a local drainage or sanitary sewer area and reimburse the general fund for such advances from the planned local drainage or sanitary sewer facilities fund for the local drainage or sanitary sewer area in which the drainage or sanitary sewer facilities were constructed.

A local agency receiving fees pursuant to this section may incur an indebtedness for the construction of drainage or sanitary sewer facilities within a local drainage or sanitary sewer area; provided that the sole security for repayment of such indebtedness shall be moneys in the planned local drainage or sanitary sewer facilities fund.

(Amended by Stats. 1975, Ch. 365.)

Surplus funds

66483.1. After completion of the facilities and the payment of all claims from any "planned local drainage facilities fund" or any "planned local sanitary sewer fund," the legislative body of a county or city shall determine by resolution the amount of the surplus, if any, remaining in any of those funds. Any surplus shall be used, in those amounts as the legislative body may determine, for one or more of the following purposes:

(a) For transfer to the general fund of the county or city, provided that the amount of the transfer shall not exceed 5 percent of the total amount expended from the particular fund, and

provided that the funds transferred are used to support the operation and maintenance of those facilities for which the fees were collected;

(b) For the construction of additional or modified facilities within the particular drainage or sanitary sewer area; or

(c) As a refund in the manner provided in Section 66483.2.

(Amended by Stats. 1981, Ch. 914.)

Refund of surplus

66483.2. Any surplus remaining shall be refunded as follows:

(a) There shall be refunded to the current owners of property for which a fee was previously collected, the balance of such moneys in the same proportion which each individual fee collected bears to the total of all individual fees collected from the particular drainage or sewer area;

(b) Where property for which a fee was previously collected has subsequently been subdivided into more than one lot, each current owner of a lot shall share in the refund payable to the owners of the property for which a fee was previously collected in the same proportion which the area of each individual lot bears to the total area of the property for which a fee was previously collected; and

(c) There shall be transferred to the general fund of the county or city any remaining portion of the surplus which has not been paid to or claimed by the persons entitled thereto within two years from the date either of the completion of the improvements, or the adoption by the legislative body of a resolution declaring a surplus, whichever is later to occur.

(Added by Stats. 1975, Ch. 365.)

Fees for bridges or major thoroughfares

66484. (a) A local ordinance may require the payment of a fee as a condition of approval of a final map or as a condition of issuing a building permit for purposes of defraying the actual or estimated cost of constructing bridges over waterways, railways, freeways, and canyons, or constructing major thoroughfares. The ordinance may require payment of fees pursuant to this section if all of the following requirements are satisfied:

Ordinance requirements: Circulation element

(1) The ordinance refers to the circulation element of the general plan and, in the case of bridges, to the transportation or flood control provisions thereof which identify railways, freeways, streams, or canyons for which bridge crossings are required on the general plan or local roads and in the case of major thoroughfares, to the provisions of the

circulation element which identify those major thoroughfares whose primary purpose is to carry through traffic and provide a network connecting to the state highway system, if the circulation element, transportation or flood control provisions have been adopted by the local agency 30 days prior to the filing of a map or application for a building permit.

Public hearing

(2) The ordinance provides that there will be a public hearing held by the governing body for each area benefited. Notice shall be given pursuant to Section 65091 and shall include preliminary information related to the boundaries of the area of benefit, estimated cost, and the method of fee apportionment. The area of benefit may include land or improvements in addition to the land or improvements which are the subject of any map or building permit application considered at the proceedings.

Determination of fees

(3) The ordinance provides that at the public hearing, the boundaries of the area of benefit, the costs, whether actual or estimated, and a fair method of allocation of costs to the area of benefit and fee apportionment are established. The method of fee apportionment, in the case of major thoroughfares, shall not provide for higher fees on land which abuts the proposed improvement except where the abutting property is provided direct usable access to the major thoroughfare. A description of the boundaries of the area of benefit, the costs, whether actual or estimated, and the method of fee apportionment established at the hearing shall be incorporated in a resolution of the governing body, a certified copy of which shall be recorded by the governing body conducting the hearing with the recorder of the county in which the area of benefit is located. The apportioned fees shall be applicable to all property within the area of benefit and shall be payable as a condition of approval of a final map or as a condition of issuing a building permit for the property or portions of the property. Where the area of benefit includes lands not subject to the payment of fees pursuant to this section, the governing agency shall make provision for payment of the share of improvement costs apportioned to those lands from other sources.

Additional facilities required

(4) The ordinance provides that payment of fees shall not be required unless the major thoroughfares are in addition to, or a reconstruction of, any existing major thoroughfares serving the area at the time of the

adoption of the boundaries of the area of benefit.

Existing bridges

(5) The ordinance provides that payment of fees shall not be required unless the planned bridge facility is an original bridge serving the area or an addition to any existing bridge facility serving the area at the time of the adoption of the boundaries of the area of benefit. The fees shall not be expended to reimburse the cost of existing bridge facility construction.

Protests

(6) The ordinance provides that if, within the time when protests may be filed under the provisions of the ordinance, there is a written protest, filed with the clerk of the legislative body, by the owners of more than one-half of the area of the property to be benefited by the improvement, and sufficient protests are not withdrawn so as to reduce the area represented to less than one-half of that to be benefited, then the proposed proceedings shall be abandoned, and the legislative body shall not, for one year from the filing of that written protest, commence or carry on any proceedings for the same improvement or acquisition under the provisions of this section.

Withdrawal of protest

(b) Any protest may be withdrawn by the owner protesting, in writing, at any time prior to the conclusion of a public hearing held pursuant to the ordinance.

Effect of protest/ findings

(c) If any majority protest is directed against only a portion of the improvement then all further proceedings under the provisions of this section to construct that portion of the improvement so protested against shall be barred for a period of one year, but the legislative body may commence new proceedings not including any part of the improvement or acquisition so protested against. Nothing in this section prohibits a legislative body, within that one-year period, from commencing and carrying on new proceedings for the construction of a portion of the improvement so protested against if it finds, by the affirmative vote of four-fifths of its members, that the owners of more than one-half of the area of the property to be benefited are in favor of going forward with that portion of the improvement or acquisition.

Abandoned proceedings

(d) Nothing in this section precludes the processing and recordation of maps in accordance with other provisions of this division if the proceedings are abandoned.

Project fund

(e) Fees paid pursuant to an ordinance adopted pursuant to this section shall be deposited in a

planned bridge facility or major thoroughfare fund. A fund shall be established for each planned bridge facility project or each planned major thoroughfare project. If the benefit area is one in which more than one bridge is required to be constructed, a fund may be so established covering all of the bridge projects in the benefit area. Money in the fund shall be expended solely for the construction or reimbursement for construction of the improvement serving the area to be benefited and from which the fees comprising the fund were collected, or to reimburse the local agency for the cost of constructing the improvement.

**In-lieu of payment
of fees**

(f) An ordinance adopted pursuant to this section may provide for the acceptance of considerations in lieu of the payment of fees.

Advancement of funds

(g) A local agency imposing fees pursuant to this section may advance money from its general fund or road fund to pay the cost of constructing the improvements and may reimburse the general fund or road fund for any advances from planned bridge facility or major thoroughfares funds established to finance the construction of those improvements.

**Interest-bearing
indebtedness**

(h) A local agency imposing fees pursuant to this section may incur an interest-bearing indebtedness for the construction of bridge facilities or major thoroughfares. However, the sole security for repayment of that indebtedness shall be moneys in planned bridge facility or major thoroughfares funds.

"Construction" defined

(i) The term "construction" as used in this section includes design, acquisition of right-of-way, administration of construction contracts, and actual construction.

**No prohibition for
local provision
of funds**

(j) Nothing in this section precludes a county or city from providing funds for the construction of bridge facilities or major thoroughfares to defray costs not allocated to the area of benefit.

(Amended by Stats. 1975, Ch. 24 [effective April 4, 1975]; Stats. 1984, Ch. 1009.)

**County of Orange:
Fees for bridges and
major thoroughfares**

66484.3. (a) The Board of Supervisors of the County of Orange and the city council of any city in that county may, by ordinance, require the payment of a fee as a condition of approval of a final map or as a condition of issuing a building permit for purposes of defraying the actual or estimated cost of constructing bridges over waterways, railways, freeways, and canyons, or constructing major thoroughfares.

(b) The local ordinance may require payment of fees pursuant to this section if:

(1) The ordinance refers to the circulation element of the general plan and, in the case of bridges, to the transportation provisions or flood control provisions of the general plan which identify railways, freeways, streams, or canyons for which bridge crossings are required on general plan or local roads and in the case of major thoroughfares, to the provisions of the circulation element which identify those major thoroughfares whose primary purpose is to carry through traffic and provide a network connecting to or which is part of the state highway system, and the circulation element, transportation provisions, or flood control provisions have been adopted by the local agency 30 days prior to the filing of a map or application for a building permit. Bridges which are part of a major thoroughfare need not be separately identified in the transportation or flood control provisions of the general plan.

(2) The ordinance provides that there will be a public hearing held by the governing body for each area benefited. Notice shall be given pursuant to Section 65905. In addition to the requirements of Section 65905, the notice shall contain preliminary information related to the boundaries of the area of benefit, estimated cost, and the method of fee apportionment. The area of benefit may include land or improvements in addition to the land or improvements which are the subject of any map or building permit application considered at the proceedings.

(3) The ordinance provides that at the public hearing, the boundaries of the area of benefit, the costs, whether actual or estimated, and a fair method of allocation of costs to the area of benefit and fee apportionment are established. The method of fee apportionment, in the case of major thoroughfares, shall not provide for higher fees on land which abuts the proposed improvement except where the abutting property is provided direct usable access to the major thoroughfare. A description of the boundaries of the area of benefit, the costs, whether actual or estimated, and the method of fee apportionment established at the hearing shall be incorporated in a resolution of the governing body, a certified copy of which shall be recorded by the governing body conducting the hearing with the recorder of the county in which the area of benefit is located. The resolution may subsequently be modified in any respect by the governing body. Modifications shall be adopted in the same manner as the original resolution. Any modification

shall be subject to the protest procedures prescribed by paragraph (6) of this subdivision. The resolution may provide for automatic periodic adjustment of fees based upon the California Construction Cost Index prepared and published by the Department of Transportation, without further action of the governing body, including, but not limited to, public notice or hearing. The apportioned fees shall be applicable to all property within the area of benefit and shall be payable as a condition of approval of a final map or as a condition of issuing a building permit for any of the property or portions of the property. Where the area of benefit includes lands not subject to the payment of fees pursuant to this section, the governing body shall make provision for payment of the share of improvement costs apportioned to those lands from other sources, but those sources need not be identified at the time of the adoption of the resolution.

(4) The ordinance provides that payment of fees shall not be required unless the major thoroughfares are in addition to, or a reconstruction or widening of, any existing major thoroughfares serving the area at the time of the adoption of the boundaries of the area of benefit.

(5) The ordinance provides that payment of fees shall not be required unless the planned bridge facility is an original bridge serving the area or an addition to any existing bridge facility serving the area at the time of the adoption of the boundaries of the area of benefit. Fees imposed pursuant to this section shall not be expended to reimburse the cost of existing bridge facility construction, unless these costs are incurred in connection with the construction of an addition to an existing bridge for which fees may be required.

(6) The ordinance provides that if, within the time when protests may be filed under its provisions, there is a written protest, filed with the clerk of the legislative body, by the owners of more than one-half of the area of the property to be benefited by the improvement, and sufficient protests are not withdrawn so as to reduce the area represented to less than one-half of that to be benefited, then the proposed proceedings shall be abandoned, and the legislative body shall not, for one year from the filing of that written protest, commence or carry on any proceedings for the same improvement or acquisition under the provisions of this section, unless the protests are overruled by an

affirmative vote of four-fifths of the legislative body.

Nothing in this section shall preclude the processing and recordation of maps in accordance with other provisions of this division if proceedings are abandoned.

Any protests may be withdrawn in writing by the owner who filed the protest, at any time prior to the conclusion of a public hearing held pursuant to the ordinance.

If any majority protest is directed against only a portion of the improvement then all further proceedings under the provisions of this section to construct that portion of the improvement so protested against shall be barred for a period of one year, but the legislative body shall not be barred from commencing new proceedings not including any part of the improvement or acquisition so protested against. Nothing in this section shall prohibit the legislative body, within the one-year period, from commencing and carrying on new proceedings for the construction of a portion of the improvement so protested against if it finds, by the affirmative vote of four-fifths of its members, that the owners of more than one-half of the area of the property to be benefited are in favor of going forward with that portion of the improvement or acquisition.

(c) Fees paid pursuant to an ordinance adopted pursuant to this section shall be deposited in a planned bridge facility or major thoroughfare fund. A fund shall be established for each planned bridge facility project or each planned major thoroughfare project. If the benefit area is one in which more than one bridge or major thoroughfare is required to be constructed, a fund may be so established covering all of the bridge or major thoroughfare projects in the benefit area. Moneys in the fund shall be expended solely for the construction or reimbursement for construction of the improvement serving the area to be benefited and from which the fees comprising the fund were collected, or to reimburse the county or a city for the cost of constructing the improvement.

(d) An ordinance adopted pursuant to this section may provide for the acceptance of considerations in lieu of the payment of fees.

(e) The county or a city imposing fees pursuant to this section may advance money from its general fund or road fund to pay the cost of constructing the improvements and may reimburse the general fund or road fund from planned bridge

facility or major thoroughfares funds established to finance the construction of the improvements.

(f) The county or a city imposing fees pursuant to this section may incur an interest-bearing indebtedness for the construction of bridge facilities or major thoroughfares. The sole security for repayment of the indebtedness shall be moneys in planned bridge facility or major thoroughfares funds.

(g) The term "construction," as used in this section, includes design, acquisition of right-of-way, administration of construction contracts, and actual construction, and also includes reasonable administrative expenses, not exceeding six hundred thousand dollars (\$600,000) in any calendar year, incurred in association with those activities.

(h) Nothing in this section shall be construed to preclude the County of Orange or any city within that county from providing funds for the construction of bridge facilities or major thoroughfares to defray costs not allocated to the area of benefit.

(i) Any city within the County of Orange may require the payment of fees in accordance with this section as to any property in an area of benefit within the city's boundaries, for facilities shown on its general plan or the county's general plan, whether the facilities are situated within or outside the boundaries of the city, and the county may expend fees for facilities or portions thereof located within cities in the county.

(j) The validity of any fee required pursuant to this section shall not be contested in any action or proceeding unless commenced within 60 days after recordation of the resolution described in paragraph (3) of subdivision (b). The provisions of Chapter 9 (commencing with Section 860) of Title 10 of Part 2 of the Code of Civil Procedure shall be applicable to any such action or proceeding. This subdivision shall also apply to modifications of fee programs.

(Added by Stats. 1984, Ch. 708. Urgency; effective August 23, 1984; Amended by Stats. 1985, Ch. 195. Urgency; effective July 9, 1985; Amended by Stats. 1986, Ch. 839.)

Note: Stats. 1984, Ch. 708, also reads:

SEC. 2. The Legislature finds and declares that unique circumstances which exist in the County of Orange dictate the necessity of providing an alternative procedure for that county and the cities within that county, as set forth in Section 1 of this act, and that a

Uncodified policy

**Fees for groundwater
recharge**

general statute cannot be made applicable within the meaning of Section 16 of Article IV of the California Constitution.

66484.5. (a) The legislative body of a local agency may adopt an ordinance requiring the payment of a fee as a condition of approval of a subdivision requiring a final or parcel map, or as a condition of issuing a building permit in an area of benefit under a groundwater recharge facility plan adopted as provided in this section, for the purpose of constructing recharge facilities for the replenishment of the underground water supply in that area of benefit. The ordinance may require payment of fees pursuant to this section if, at the time of payment, all of the following requirements are satisfied:

**Ordinance requirements:
Adopted groundwater
recharge facility plan**

(1) A groundwater recharge facility plan for the area to be benefited has been adopted by the legislative body of the local agency. The legislative body shall not adopt the plan until it has given notice to, and consulted with, the water agency then obligated to furnish water to the area to be benefited and the water agency has formally and in writing approved the plan.

Local ordinance

(2) The ordinance has been in effect for a period of at least 30 days prior to the filing of the tentative map, parcel map if no tentative map is required, or the application for a building permit.

Public hearing

(3) The ordinance provides that before any groundwater recharge facility plan is adopted there will be a public hearing held by the legislative body for the proposed area of benefit.

Notice of the hearing on a proposed area of benefit shall be given pursuant to Section 65091 and shall include preliminary information concerning the groundwater recharge facility plan, including the proposed boundaries of the area of benefit, the availability of surface water, the planned facilities for the area of benefit, estimated costs, and the proposed method of fee apportionment.

Written notice of the public hearing shall be given by personal service or mail to the water agency responsible for furnishing water to the area of benefit involved in the hearing prior to or at the time notice is given by mail or by publication and posting. The proposal contained in the mailed, published, or posted notice shall be jointly prepared and agreed upon by the

local agency and the water agency before that notice is given. The water agency may participate in the hearings.

Contents of plan

(4) The ordinance provides that the groundwater recharge facility plan shall be established at the public hearing and, if approved, adopted by the legislative body. The plan shall include the boundaries of the area of benefit, the availability of surface water, the planned facilities for the area of benefit and the estimated cost thereof, a fair method of allocating the costs within the area of benefit, and the apportionment of fees within the area. The plan, as adopted by the local agency and approved by the water agency, shall be incorporated in a resolution of the legislative body and a certified copy of the plan shall be recorded with the county recorder. The apportioned fees shall be applicable to all property within the area of benefit and shall be payable as a condition of approval of a final map or a parcel map or as a condition of issuing a building permit for the property or portions of the property. Where the area of benefit includes lands not otherwise subject to the payment of fees pursuant to this section, the legislative body shall make provision for payment of the share of improvement costs apportioned to that land by other means.

Protest

(5) The ordinance provides that if, within the time when protests may be filed under the provisions of the ordinance, there is a written protest, filed with the clerk of the legislative body, by the owners of more than one-half of the area of the property to be benefited by the improvement, and sufficient protests are not withdrawn so as to reduce the area represented to less than one-half of the property to be benefited, then the proposed proceedings shall be abandoned, and the legislative body shall not, for one year from the filing of that written protest, commence or carry on any proceedings for the same improvement or acquisition under the provisions of this section.

Withdrawal of protest

(b) Any protests may be withdrawn in writing by the owner who made the protest, at any time prior to the conclusion of a public hearing held pursuant to the ordinance.

Effect of protests

(c) If any majority protest is directed against only a portion of the improvement, then all further proceedings under this section as to that portion of the improvement so protested against shall be barred for a period of one year. The legislative body, however, may commence new

No prohibition for
local provision
of funds

Construction, opera-
tion, maintenance
of facility

Project fund

In-lieu of payment
of fees

Advancement of funds

Interest-bearing
indebtedness

proceedings which do not include the area, acquisitions, or improvements which were the subject of the successful protest. Nothing in this section prohibits the legislative body, within that one-year period, from commencing and carrying on new proceedings for that portion of the improvements so protested against if it finds, by the affirmative vote of four-fifths of its members, that the owners of more than one-half of the area of the property to be benefited are in favor of going forward with that portion of the improvement or acquisition.

(d) Nothing in this section precludes the processing and recordation of maps in accordance with other provisions of this division if proceedings are abandoned.

(e) Subsequent to the adoption of a plan, the local agency may itself construct, operate, and maintain the groundwater recharge facilities, or it may designate the water agency furnishing the water or designate or create another agency to do all or any one of these things as authorized by law. In the event any agency other than the local agency adopting such ordinances is so designated, the services so rendered shall be pursuant to a written agreement entered into between the local agency and the other agency.

(f) Fees paid pursuant to an ordinance adopted pursuant to this section shall be deposited in a planned recharge facility fund. A fund shall be established for each area of benefit. Money in the fund shall be expended solely for the construction or reimbursement for construction of the improvement serving the area to be benefited.

The fees shall not be expended to reimburse the cost of recharge facilities in existence prior to the adoption of the groundwater recharge facility plan for that area.

(g) An ordinance adopted pursuant to this section may provide for the acceptance of considerations in lieu of the payment of fees.

(h) A local agency imposing fees pursuant to this section may advance money from its general fund to pay the cost of constructing the improvements and may reimburse the general fund for those advances from planned recharge facility funds collected to finance the construction of these improvements.

(i) A local agency imposing fees pursuant to this section may incur an interest-bearing indebtedness for the construction of recharge facilities. However, the sole security for

repayment of that indebtedness shall be money in planned recharge facility funds.

Design approval

(j) Recharge facilities shall not be constructed unless the water agency approves the design of the facilities to be constructed and has reached an agreement with the local agency establishing the terms and conditions under which the water will be furnished. If the water agency finds that the facilities have been constructed in accordance with the approved design, the agency shall furnish water for the groundwater recharge facilities.

Credit for water apportionment

(k) If the water agency is an irrigation district or other entity obligated by law to apportion water among the landowners within the area of benefit, the water agency shall receive credit upon the obligation for any water delivered for groundwater recharge under the agreement and shall be relieved of any further obligation to deliver the amount of water for which it has received such credit to the landowners or lands within that area.

Limitations on fee collection

(l) Nothing contained in this section entitles a local agency to collect a fee from a landowner who presently receives and continues to receive and use the landowner's pro rata share of surface water from the agency responsible for that area or from a landowner who has not applied for approval of a final or parcel map or a building permit.

Credit for fees

(m) A credit for fees paid as authorized by this section shall be applied against any assessment levied by the local agency to construct the planned recharge facilities.

"Construction" defined

(n) The term "construction," as used in this section, includes design, acquisition of land or easements, administration of construction contracts, and actual construction.

"Water agency"

(o) The term "water agency," as used in this section, means the public or other entity that will furnish water for the operation and use of a recharge facility under a groundwater recharge facility plan adopted by a local agency pursuant to this section.

No prohibition for local provision of funds

(p) Nothing in this section precludes a county or city from providing funds for the construction of recharge facilities to defray costs not allocated to the area of benefit.

(Amended by Stats. 1984, Ch. 1009.)

Article 6. Reimbursement

Authority to require
dedication of
improvements

66485. There may be imposed by local ordinance a requirement that improvements installed by the subdivider for the benefit of the subdivision shall contain supplemental size, capacity, number, or length for the benefit of property not within the subdivision, and that those improvements be dedicated to the public. Supplemental length may include minimum sized offsite sewer lines necessary to reach a sewer outlet in existence at that time.

(Amended by Stats. 1983, Ch. 704.)

Agreement for
reimbursement

66486. In the event of the installation of improvements required by an ordinance adopted pursuant to Section 66485, the local agency shall enter into an agreement with the subdivider to reimburse the subdivider for that portion of the cost of those improvements, including an amount attributable to interest, in excess of the construction required for the subdivision.

(Amended by Stats. 1983, Ch. 704.)

Revenues for
reimbursement

66487. In order to pay the costs as required by the reimbursement agreement, the local agency may:

User fees

(a) Collect from other persons, including public agencies, using such improvements for the benefit of real property not within the subdivision, a reasonable charge for such use.

Charge upon benefited
property

(b) Contribute to the subdivider that part of the cost of the improvements that is attributable to the benefit of real property outside the subdivision and levy a charge upon the real property benefited to reimburse itself for such cost, together with interest thereon, if any, paid to the subdivider.

Local benefit districts

(c) Establish and maintain local benefit districts for the levy and collection of such charge or costs from the property benefited.

(Added by Stats. 1974, Ch. 1536. Effective March 1, 1975.)

Use of drainage/sewer
plan by other
agencies

66488. Any local agency within a local drainage or sanitary sewer area may adopt the plan and map designated in Section 66483 and impose a reasonable charge on property within the area which, in the opinion of the legislative body, is benefited by such drainage or sanitary sewer facilities. The charge collected must be paid to the local agency or subdivider constructing such drainage or sanitary sewer facilities, and any local agency within the drainage or sanitary sewer area may enter into a reimbursement agreement with the subdivider.

(Added by Stats. 1974, Ch. 1536. Effective March 1, 1975.)

Area of benefit

66489. Any local agency may establish an area of benefit pursuant to Section 66484 and may impose a reasonable charge on property within the area which in the opinion of the legislative body, is benefited by the construction of the bridge or major thoroughfare. The charge collected shall be paid to the local agency or subdivider constructing the bridge, and any local agency having jurisdiction over any property which, in the opinion of the legislative body, is benefited by the construction of the bridge or major thoroughfare may enter into a reimbursement agreement with the subdivider.

(Added by Stats. 1974, Ch. 1536. Effective March 1, 1975.)

Article 7. Soils Report

Preliminary report

66490. A preliminary soils report, prepared by a civil engineer registered in this state, and based upon adequate test borings, shall be required for every subdivision for which a final map is required by this division and may be required by local ordinance for other subdivisions.

(Added by Stats. 1974, Ch. 1536. Effective March 1, 1975.)

Optional requirements

66491. With respect to such soils report, a local ordinance may provide that:

Waiver

(a) The preliminary soils report may be waived if the local agency shall determine that, due to the knowledge it has as to the soils qualities of the soils of the subdivision, no preliminary analysis is necessary.

Soils investigation

(b) If the preliminary soils report indicates the presence of critically expansive soils or other soils problems which, if not corrected, would lead to structural defects, a soils investigation of each lot in the subdivision may be required.

Such soils investigation shall be done by a civil engineer registered in this state, who shall recommend the corrective action which is likely to prevent structural damage to each structure proposed to be constructed in the area where such soils problem exists.

The local agency may approve the subdivision or portion thereof where such soils problems exist if it determines that the recommended action is likely to prevent structural damage to each structure to be constructed, and as a condition to the issuance of any building permit may require that the approved recommended action be

incorporated in the construction of each structure.

(Added by Stats. 1974, Ch. 1536. Effective March 1, 1975.)

Article 8. Taxes and Assessments

Certificates: Tax and assessment liens

66492. Prior to the filing of the final map or parcel map with the legislative body, the subdivider shall, in accordance with procedures established by the county, file with the county recorder of the county in which any part of the subdivision is located, a certificate from the official computing redemptions in any public agency in which any part of the subdivision is located, showing that, according to the records of that office, there are no liens against the subdivision or any part thereof for unpaid, state, county, municipal or local taxes or special assessments collected as taxes, except taxes or special assessments not yet payable.

(Amended by Stats. 1983, Ch. 1224; Stats. 1985, Ch. 1199.)

Security for payment of taxes/special assessments

66493. (a) Whenever any part of the subdivision is subject to a lien for taxes or special assessments collected as taxes which are not yet payable, the final map or parcel map shall not be recorded until the owner or subdivider does both of the following:

(1) Files with the clerk of the board of supervisors of the county wherein any part of the subdivision is located, a certificate prepared by the appropriate state or local official giving his or her estimate of those taxes or assessments.

(2) Executes and files with the clerk of the board of supervisors of the county wherein any part of the subdivision is located, security conditioned upon the payment of all state, county, municipal and local taxes and the current installment of principal and interest of all special assessments collected as taxes, which at the time the final map is recorded are a lien against the property, but which are not yet payable.

(b) If the land being subdivided is a portion of a larger parcel shown on the last preceding tax roll as a unit, the security for payment of taxes need be only for that sum as may be determined by the county to be sufficient to pay the current and delinquent taxes on the land being subdivided, together with all accrued penalties and costs if those taxes have been or

are allowed to become delinquent. Separate assessor's parcel numbers shall be given to the portion of the larger parcel which is not within the proposed subdivision and to the parcel or parcels which are within the proposed subdivision.

If the land being subdivided is **tax-defaulted**, *** it may be redeemed *** without the redemption of the remainder of the larger parcel of which it is a part pursuant to the Revenue and Taxation Code as if it were held in ownership separate from and other than the ownership of the remainder.

(c) Whenever land subject to a special assessment or bond which may be paid in full is divided by the line of a lot or parcel of the subdivision, that assessment or bond shall be paid in full, or security shall be filed with the clerk of the board of supervisors, payable to the county as trustee for the assessment bondholders for the payment of the special assessment or bond. This section does not apply to bonds issued under the Improvement Bond Act of 1915, Division 10 (commencing with Section 8500) of the Streets and Highways Code.

(d) The amount of security for "taxes" in subdivision (a) or "current taxes" for subdivision (b), shall consider only amounts shown on the regular assessment roll or shown on any supplemental rolls prepared pursuant to Chapter 3.5 (commencing with Section 75) of Part 0.5 of Division 1 of the Revenue and Taxation Code.

(Amended by Stats. 1983, Ch. 1224; Stats. 1985, Ch. 114. Urgency; effective June 28, 1985; Amended by Stats. 1986, Ch. 1420.)

Delinquency

66494. (a) If the taxes or special assessments are allowed to become delinquent, the county shall recover from the security the principal sum of the security without proof of loss. The county shall apply the sum received in payment of any or all of such taxes or special assessments, including penalties and costs, if any, accruing thereto, to the proper state, county, municipal or district officers, for the satisfaction of the tax and special assessment liens and shall pay the balance, if any, over to the surety or depositor.

(b) If the taxes or special assessments are allowed to become delinquent and the security consists of a deposit of money, negotiable bond or instrument of credit, the clerk, subject to any rules of the board of supervisors with respect thereto, shall apply the proceeds thereof

to the payment of such taxes and special assessments, including penalties and costs. Any excess proceeds shall be deposited in the county treasury for the benefit of the persons entitled thereto.

(c) If authorized by prior agreement with the subdivider or his or her sureties, when secured taxes become due the amount of taxes and special assessments may be paid to the county tax collector from the security deposit, or the negotiable paper or instrument of credit may be cashed and any excess proceeds placed in the county treasury subject to refund claim by the subdivider.

(Amended by Stats. 1981, Ch. 392.)

**Authority to delegate
duties of clerk of
board of supervisors**

66494.1. The board of supervisors may, by resolution, authorize any county officer to perform the duties required of the clerk of the board of supervisors under this article.

(Added by Stats. 1984, Ch. 866.)

Article 9. Monuments

Survey monuments

66495. At the time of making the survey for the final map or parcel map unless the survey is not required pursuant to Section 66448, the engineer or surveyor shall set sufficient durable monuments to conform with the standards described in Section 8771 of the Business and Professions Code so that another engineer or surveyor may readily retrace the survey. He shall also set such additional monuments as may be required by local ordinance. The local agency shall require that at least one exterior boundary line of the land being subdivided be adequately monumented or referenced before the map is recorded.

(Amended by Stats. 1977, Ch. 234. Effective July 7, 1977.)

Interior monuments

66496. Interior monuments need not be set at the time the map is recorded, if the engineer or surveyor certifies on the map that the monuments will be set on or before a specified later date, and if the subdivider furnishes to the legislative body security guaranteeing the payment of the cost of setting such monuments.

(Added by Stats. 1974, Ch. 1536. Effective March 1, 1975.)

**Notice of setting
monuments**

66497. Within five days after the final setting of all monuments has been completed, the engineer or surveyor shall give written notice to the subdivider, and to the city engineer or the county surveyor or any other public official or employee authorized to receive

Payment of engineer

these notices, that the final monuments have been set.

Upon payment to the engineer or surveyor for setting the final monuments, the subdivider shall present to the legislative body evidence of the payment and receipt thereof by the engineer or surveyor. In the case of a cash deposit, the legislative body shall pay the engineer or surveyor for the setting of the final monuments from the cash deposit, if so requested by the depositor.

If the subdivider does not present evidence to the legislative body that the engineer or surveyor has been paid for the setting of the final monuments, and if the engineer or surveyor notifies the legislative body that payment has not been received from the subdivider for the setting of the final monuments, the legislative body shall, within three months from the date of the notification, pay to the engineer or surveyor from any deposit the amount due.

(Added by Stats. 1974, Ch. 1536. Effective March 1, 1975. Amended by Stats. 1985, Ch. 1504.)

Substitution of engineer

66498. In the event of the death, disability or retirement from practice of the engineer or surveyor charged with the responsibility for setting monuments, or in the event of his refusal to set such monuments, the legislative body may direct the county surveyor or city engineer, or such engineer or surveyor as it may select, to set such monuments. If the original engineer or surveyor is replaced by another, the former may, by letter to the county surveyor or city engineer, release his obligation to set the final monuments to the surveyor or engineer who replaced him. When the monuments are so set, the substitute engineer or surveyor shall amend any map filed pursuant to this division in accordance with the provisions of Sections 66469 to 66472, inclusive. All provisions of this article relating to payment shall apply to the services performed by the substituted engineer or surveyor.

(Amended by Stats. 1979, Ch. 383.)

Chapter 4.5. Development Rights

Filing of vesting tentative map

66498.1. (a) Whenever a provision of this division requires that a tentative map be filed, a vesting tentative map may instead be filed.

Vested right

Conditions for determination of denial or conditional approval

(b) When a local agency approves or conditionally approves a vesting tentative map, that approval shall confer a vested right to proceed with development in substantial compliance with the ordinances, policies, and standards described in Section 66474.2. However, if Section 66474.2 is repealed, that approval shall confer a vested right to proceed with development in substantial compliance with the ordinances, policies, and standards in effect at the time the vesting tentative map is approved or conditionally approved.

(c) Notwithstanding subdivision *** (b), the local agency may condition or deny a permit, approval, extension, or entitlement if it determines any of the following:

(1) A failure to do so would place the residents of the subdivision or the immediate community, or both, in a condition dangerous to their health or safety, or both.

(2) The condition or denial is required, in order to comply with state or federal law.

(d) The rights conferred by this section shall expire if a final map is not approved prior to the expiration of the vesting tentative map. If the final map is approved, the rights conferred by this section shall be subject to the periods of time set forth in subdivisions (g) and (h) of Section 66452.6.

(e) Consistent with subdivision (b), an approved or conditionally approved vesting tentative map shall not limit a local agency from imposing reasonable conditions on subsequent required approvals or permits necessary for the development and authorized by the ordinances, policies, and standards described in subdivision (b).

(Added by Stats. 1984, Ch. 1113. Operative January 1, 1986; Amended by Stats. 1986, Ch. 613.)

Note: Stats. 1984, Ch. 1113, also reads:

Uncodified policy

SEC. 1. By this enactment, the Legislature intends to accomplish all of the following objectives:

(a) To establish a procedure for the approval of tentative maps that will provide certain statutorily vested rights to a subdivider.

(b) To ensure that local requirements governing the development of a proposed subdivision are established in accordance with Section 66498.1 of the Government Code when a local agency approves or conditionally approves a vesting tentative map. The private sector should be able to rely upon an approved vesting tentative map prior to

expending resources and incurring liabilities without the risk of having the project frustrated by subsequent action by the approving local agency, provided the time periods established by this enactment have not elapsed.

(c) To ensure that local agencies have maximum discretion, consistent with Section 66498.1 of the Government Code, in the imposition of conditions on any approvals occurring subsequent to the approval or conditional approval of the vesting tentative map, so long as that discretion is not exercised in a manner which precludes a subdivider from proceeding with the proposed subdivision.

Amendment to vesting
tentative map

66498.2. If the ordinances, policies, or standards described in subdivision (b) of Section 66498.1 are changed subsequent to the approval or conditional approval of a vesting tentative map, the subdivider, or his or her assignee, at any time prior to the expiration of the vesting tentative map pursuant to subdivisions (g) and (h) of Section 66452.6 *** may apply for an amendment to the vesting tentative map to secure a vested right to proceed with the changed ordinances, policies, or standards. An application shall clearly specify the changed ordinances, policies, or standards for which the amendment is sought.

(Added by Stats. 1984, Ch. 1113. Operative January 1, 1986. See note following Section 66498.1; Amended by Stats. 1986, Ch. 613.)

Inconsistency with
zoning ordinance

66498.3. (a) Whenever a subdivider files a vesting tentative map for a subdivision whose intended development is inconsistent with the zoning ordinance in existence at that time, that inconsistency shall be noted on the map. The local agency may deny *** a vesting tentative map or approve it conditioned on the subdivider, or his or her designee, obtaining the necessary change in the zoning ordinance to eliminate the inconsistency. If the change in the zoning ordinance is obtained, the approved or conditionally approved vesting tentative map shall, notwithstanding subdivision (b) of Section 66498.1, confer the vested right to proceed with the development in substantial compliance with the change in the zoning ordinance and the map, as approved.

(b) The rights conferred by this section shall be for the time periods set forth in subdivisions (g) and (h) of Section 66452.6.

(Added by Stats. 1984, Ch. 1113. Operative January 1, 1986. See note following Section 66498.1; Amended by Stats. 1986, Ch. 613.)

**Development approvals/
permits**

66498.4. Notwithstanding any provision of this chapter, a property owner or his or her designee may seek approvals or permits for development which depart from the ordinances, policies, and standards described in subdivision (b) of Section 66498.1 and subdivision (a) of Section 66498.3, and local agencies may grant these approvals or issue these permits to the extent that the departures are authorized under applicable law.

(Added by Stats. 1984, Ch. 1113. Operative January 1, 1986. See note following Section 66498.1; Amended by Stats. 1986, Ch. 613.)

**Filing not
prerequisite to
development approval**

66498.5. If a subdivider does not seek the rights conferred by this chapter, the filing of a vesting tentative map shall not be a prerequisite to any approval for any proposed subdivision, permit for construction, or work preparatory to construction.

(Added by Stats. 1984, Ch. 1113. Operative January 1, 1986. See note following Section 66498.1.)

**Effect on local/state/
federal requirements**

66498.6. (a) This chapter does not enlarge, diminish, or alter types of conditions which may be imposed by a local agency on a development, nor in any way diminish or alter the power of local agencies to protect against a condition dangerous to the public health or safety.

(b) The rights conferred by this chapter shall relate only to the imposition by local agencies of conditions or requirements created and imposed by local ordinances. Nothing in this chapter removes, diminishes, or affects the obligation of any subdivider to comply with the conditions and requirements of any state or federal laws, regulations, or policies and does not grant local agencies the option to disregard any state or federal laws, regulations, or policies.

(Added by Stats. 1984, Ch. 1113. Operative January 1, 1986. See note following Section 66498.1.)

Applicability

66498.7. (a) Until December 31, 1987, this chapter shall apply only to residential developments.

(b) On and after January 1, 1988, an ordinance adopted pursuant to subdivision (g) of Section 66452.6 may differentiate between residential and nonresidential developments in prescribing the initial time period after which the rights conferred by a vesting tentative map shall expire. In no event, however, shall that period be less for residential developments than for nonresidential developments.

Establishing

(Added by Stats. 1984, Ch. 1113. Operative January 1, 1986. See note following Section 66498.1. Amended by Stats. 1985, Ch. 995.)

66498.8. (a) On or before January 1, 1986, a city, county, or city and county shall adopt ordinances or resolutions necessary or appropriate for the implementation of this chapter.

(b) If a city, county, or city and county receives a written request to implement this chapter, it shall adopt any ordinances or resolutions it determines necessary or appropriate to implement this chapter. The city, county, or city and county shall adopt the ordinances or resolutions not more than 120 days from the date the request is made and any fee is paid to cover the direct expenses the city, county, or city and county determines it will incur in processing the ordinances or resolutions. The city, county, or city and county may arrange, with the person making the request, to collect fees from subdividers filing vesting tentative maps and to reimburse the person requesting the ordinance or resolution for any costs so advanced by that person.

(c) The local agency may charge subdividers who file vesting tentative maps a fee in an amount sufficient to recover the direct costs associated with establishing and adopting ordinances or resolutions pursuant to subdivision (a) or (b).

(Added by Stats. 1984, Ch. 1113. See note following Section 66498.1; Repealed and Added by Stats. 1985, Ch. 249. Urgency; effective July 25, 1985.)

66498.9. By the enactment of this article, the Legislature intends to accomplish all of the following objectives:

(a) To establish a procedure for the approval of tentative maps that will provide certain statutorily vested rights to a subdivider.

(b) To ensure that local requirements governing the development of a proposed subdivision are established in accordance with Section 66498.1 when a local agency approves or conditionally approves a vesting tentative map. The private sector should be able to rely upon an approved vesting tentative map prior to expending resources and incurring liabilities without the risk of having the project frustrated by subsequent action by the approving local agency, provided the time periods established by this article have not elapsed.

(c) To ensure that local agencies have maximum discretion, consistent with Section 66498.1, in

the imposition of conditions on any approvals occurring subsequent to the approval or conditional approval of the vesting tentative map, so long as that discretion is not exercised in a manner which precludes a subdivider from proceeding with the proposed subdivision.

(Added by Stats. 1986, Ch. 613.)

Chapter 5. Improvement Security

Security for improvements

66499. (a) Whenever this division or a local ordinance authorizes or requires the furnishing of security in connection with the performance of any act or agreement, such security shall be one of the following at the option of and subject to the approval of the local agency:

Bonds

(1) Bond or bonds by one or more duly authorized corporate sureties.

Deposit

(2) A deposit, either with the local agency or a responsible escrow agent or trust company, at the option of the local agency, of money or negotiable bonds of the kind approved for securing deposits of public moneys.

Instrument or letter of credit

(3) An instrument of credit from one or more financial institutions subject to regulation by the state or federal government and pledging that the funds necessary to carry out the act or agreement are on deposit and guaranteed for payment, or a letter of credit issued by such a financial institution.

Lien

(4) A lien upon the property to be divided, created by contract between the owner and the local agency, if the local agency finds that it would not be in the public interest to require the installation of the required improvement sooner than two years after the recordation of the map.

Other security

(5) Any form of security, including security interests in real property, which is acceptable to the local agency and specified by ordinance thereof.

Recordation

(b) Any contract or security interest in real property entered into as security for performance pursuant to paragraph (4) or paragraph (5) of subdivision (a) shall be recorded with the county recorder of the county in which the subject real property is located. From the time of recordation of the written contract or document creating a security interest, a lien shall attach to the real property particularly described therein and shall have the priority of a judgment

lien in an amount necessary to complete the agreed to improvements. The recorded contract or security document shall be indexed in the Grantor Index to the names of all record owners of the real property as specified on the map and in the Grantee Index to the local agency approving the map.

Release

The local agency may at any time release all or any portion of the property subject to any lien or security interest created by this subdivision or subordinate the lien or security interest to other liens or encumbrances if it determines that security for performance is sufficiently secured by a lien on other property or that the release or subordination of the lien will not jeopardize the completion of agreed upon improvements.

(Amended by Stats. 1982, Ch. 657.)

Bond form

66499.1. A bond or bonds by one or more duly authorized corporate sureties to secure the faithful performance of any agreement shall be in substantially the following form:

Whereas, The Board of Supervisors of the County of _____ (or the City Council of the City of _____) State of California, and _____ (hereinafter designated as "principal") have entered into an agreement whereby principal agrees to install and complete certain designated public improvements, which said agreement, dated _____, 19____, and identified as project _____, is hereby referred to and made a part hereof; and

Whereas, Said principal is required under the terms of said agreement to furnish a bond for the faithful performance of said agreement.

Now, therefore, we, the principal and _____, as surety, are held and firmly bound unto the County of _____, (or City of _____) hereinafter called ("_____"), in the penal sum of _____ dollars (\$_____) lawful money of the United States, for the payment of which sum well and truly to be made, we bind ourselves, our heirs, successors, executors and administrators, jointly and severally, firmly by these presents.

The condition of this obligation is such that if the above bounded principal, his or its heirs, executors, administrators, successors or assigns, shall in all things stand to and abide by, and well and truly keep and perform the covenants, conditions and provisions in the said agreement and any alteration thereof made as therein provided, on his or their part, to be kept and performed at the time and in the manner therein specified, and in all respects according to their

true intent and meaning, and shall indemnify and save harmless _____, its officers, agents and employees, as therein stipulated, then this obligation shall become null and void; otherwise it shall be and remain in full force and effect.

As a part of the obligation secured hereby and in addition to the face amount specified therefor, there shall be included costs and reasonable expenses and fees, including reasonable attorney's fees, incurred by county (or city) in successfully enforcing such obligation, all to be taxed as costs and included in any judgment rendered.

The surety hereby stipulates and agrees that no change, extension of time, alteration or addition to the terms of the agreement or to the work to be performed thereunder or the specifications accompanying the same shall in anywise affect its obligations on this bond, and it does hereby waive notice of any such change, extension of time, alteration or addition to the terms of the agreement or to the work or to the specifications.

In witness whereof, this instrument has been duly executed by the principal and surety above named, on _____, 19__.

Appropriate modifications shall be made in such form if the bond is being furnished for the performance of an act not provided for by agreement.

(Added by Stats. 1974, Ch. 1536. Effective March 1, 1975.)

66499.2. A bond or bonds by one or more duly authorized corporate sureties for the security of laborers and materialmen shall be in substantially the following form:

Whereas, The Board of Supervisors of the County of _____ (or City Council of the City of _____), State of California, and (hereinafter designated as "principal") have entered into an agreement whereby principal agrees to install and complete certain designated public improvements, which said agreement, dated _____, 19__, and identified as project _____, is hereby referred to and made a part hereof; and

Whereas, Under the terms of said agreement, principal is required before entering upon the performance of the work, to file a good and sufficient payment bond with the County of _____ (or the City of _____) to secure the claims to which reference is made in Title 15 (commencing with Section 3082) of Part 4 of Division 3 of the Civil Code of the State of California.

Mechanic's lien bond
form

Now, therefore, said principal and the undersigned as corporate surety, are held firmly bound unto the County of _____ (or the City of _____) and all contractors, subcontractors, laborers, materialmen and other persons employed in the performance of the aforesaid agreement and referred to in the aforesaid Code of Civil Procedure in the sum of _____ dollars (\$ _____), for materials furnished or labor thereon of any kind, or for amounts due under the Unemployment Insurance Act with respect to such work or labor, that said surety will pay the same in an amount not exceeding the amount hereinabove set forth, and also in case suit is brought upon this bond, will pay, in addition to the face amount thereof, costs and reasonable expenses and fees, including reasonable attorney's fees, incurred by county (or city) in successfully enforcing such obligation, to be awarded and fixed by the court, and to be taxed as costs and to be included in the judgment therein rendered.

It is hereby expressly stipulated and agreed that this bond shall inure to the benefit of any and all persons, companies and corporations entitled to file claims under Title 15 (commencing with Section 3082) of Part 4 of Division 3 of the Civil Code, so as to give a right of action to them or their assigns in any suit brought upon this bond.

Should the condition of this bond be fully performed, then this obligation shall become null and void, otherwise it shall be and remain in full force and effect.

The surety hereby stipulates and agrees that no change, extension of time, alteration or addition to the terms of said agreement or the specifications accompanying the same shall in any manner affect its obligations on this bond, and it does hereby waive notice of any such change, extension, alteration or addition.

In witness whereof, this instrument has been duly executed by the principal and surety above names, on _____, 19__.

(Added by Stats. 1974, Ch. 1536. Effective March 1, 1975.)

Amount of security

66499.3. Security to guarantee the performance of any act or agreement shall be in the following amounts:

(a) An amount determined by the legislative body, not less than 50 percent nor more than 100 percent of the total estimated cost of the improvement or of the act to be performed,

conditioned upon the faithful performance of the act or agreement; and

(b) An additional amount determined by the legislative body, not less than 50 percent nor more than 100 percent of the total estimated cost of the improvement or the performance of the required act, securing payment to the contractor, to the subcontractors, and to persons furnishing labor, materials, or equipment to them for the improvement or the performance of the required act.

(c) Whenever an entity required to furnish security in accordance with subdivisions (a) and (b) is a California nonprofit corporation, funded by the United States of America or one of its agencies, or funded by this state or one of its agencies, the entity shall not be required to comply with subdivisions (a) and (b), if the following conditions are met:

(1) The contractor installing the improvements has bonded to the nonprofit corporation and the local agency as coobligee the amount of 100 percent of the contract for the faithful performance of the work, and has further bonded to the nonprofit corporation and the local agency as coobligee an amount of not less than 50 percent of the contract for the payment of labor and materials, and those bonds comply with the provisions of this chapter.

(2) All moneys payable to the contractor by the nonprofit corporation are deposited in a depository complying with the provisions of this chapter, and out of which moneys progress payments are conditioned upon:

(A) The contractor's certification to the nonprofit corporation that all labor performed in the work, and all materials furnished to and installed in the work, have been paid for in full to the date of the certification.

(B) The written approval of the nonprofit corporation.

(C) Final payment to the contractor not being made until 60 days shall have expired after the filing and recording of the notice of completion of the work and acceptance of the work by the local agency in writing.

(3) All certifications as to progress payments shall be delivered through the United States mail to the nonprofit corporation. The term "progress payments" means payments made in compliance with the schedule of partial payments agreed upon in the contract for the work. No less than 10 percent of the total contract price shall be

retained for the 60 days following the filing of the notice of completion.

(d) An amount determined by the legislative body necessary for the guarantee and warranty of the work for a period of one year following the completion and acceptance thereof against any defective work or labor done, or defective materials furnished.

(Amended by Stats. 1982, Ch. 489. Effective July 10, 1982.)

Additional security

66499.4. As a part of the obligation guaranteed by the security and in addition to the face amount of the security, there shall be included costs and reasonable expenses and fees, including reasonable attorneys' fees, incurred by the local agency in successfully enforcing the obligation secured.

(Added by Stats. 1974, Ch. 1536. Effective March 1, 1975.)

Special assessments

66499.5. If the required subdivision improvements are financed and installed pursuant to special assessment proceedings, the local agency at its option may provide by local ordinance that, upon the furnishing by the contractor of the faithful performance and labor and material bonds required by the special assessment act being used, the improvement security of the subdivider may be reduced by an amount corresponding to the amount of such bonds so furnished by the contractor.

(Added by Stats. 1974, Ch. 1536. Effective March 1, 1975.)

Trust fund

66499.6. Such money, negotiable bond or instrument of credit shall be a trust fund to guarantee performance and shall not be subject to enforcement of a money judgment by any creditors of the depositor until the obligation secured thereby is performed to the satisfaction of the local agency.

(Amended by Stats. 1982, Ch. 497. Effective July 1, 1983.)

Release of security

66499.7. The security furnished by the subdivider shall be released in whole or in part in the following manner:

(a) Security given for faithful performance of any act or agreement shall be released upon the performance of the act or final completion and acceptance of the required work, or the legislative body may provide for the partial release of the security upon the partial performance of the act or the acceptance of the work as it progresses, under rules established by the legislative body.

(b) Security securing the payment to the contractor, his or her subcontractors and to persons furnishing labor, materials or equipment shall, after passage of the time within which claims of lien are required to be recorded pursuant to Article 3 (commencing with Section 3114) of Chapter 2 of Title 15 of Part 4 of Division 3 of the Civil Code and after acceptance of the work, be reduced to an amount equal to the total claimed by all claimants for whom claims of lien have been recorded and notice thereof given in writing to the legislative body, and if no such claims have been recorded, the security shall be released in full.

Such release shall not apply to any required guarantee and warranty period nor to the amount of the security deemed necessary by the local agency for such guarantee and warranty period nor to costs and reasonable expenses and fees, including reasonable attorneys' fees.

The legislative body may authorize any of its public officers or employees to authorize release or reduction of the security in accordance with the conditions hereinabove set forth and in accordance with such rules as it may prescribe.

(Amended by Stats. 1983, Ch. 1195.)

66499.8. In all cases where the performance of the obligation for which the security is required is subject to the approval of another agency, the local agency shall not release the security until the obligation is performed to the satisfaction of such other agency. Such agency shall have two months after completion of the performance of the obligation to register its satisfaction or dissatisfaction. If at the end of that period it has not registered its satisfaction or dissatisfaction, it shall be conclusively deemed that the performance of the obligation was done to its satisfaction.

(Added by Stats. 1974, Ch. 1536. Effective March 1, 1975.)

66499.9. Any liability upon the security given for the faithful performance of any act or agreement shall be limited to:

(a) The performance of the work covered by the agreement between the subdivider and the legislative body or the performance of the required act.

(b) The performance of any changes or alterations in such work; provided, that all such changes or alterations do not exceed 10 percent of the original estimated cost of the improvement.

Release subject to
approval of another
agency

Liability on security

(c) The guarantee and warranty of the work, for a period of one year following completion and acceptance thereof, against any defective work or labor done or defective materials furnished, in the performance of the agreement with the legislative body or the performance of the act.

(d) Costs and reasonable expenses and fees, including reasonable attorneys' fees.

(Added by Stats. 1974, Ch. 1536. Effective March 1, 1975.)

Suit against holders of security

66499.10. Where the security is conditioned upon the payment to the contractor, his subcontractors and to persons furnishing labor, materials or equipment to them for the improvement or the performance of an act and takes the form of a deposit of money or negotiable bonds, a suit to recover the amount due the claimant may be maintained against the holder of such deposit. Where the security takes the form of a surety bond, or surety bonds, the right of recovery shall be in a suit against the surety. Where the security takes the form of an instrument of credit, the cause of action shall be against the financial institution obligating itself on such instrument of credit.

(Added by Stats. 1974, Ch. 1536. Effective March 1, 1975.)

Chapter 6. Reversions and Exclusions

Article 1. Reversion to Acreage

Authority

66499.11. Subdivided real property may be reverted to acreage pursuant to the provisions of this article.

(Added by Stats. 1974, Ch. 1536. Effective March 1, 1975.)

Initiation of proceedings

66499.12. Proceedings for reversion to acreage may be initiated by the legislative body on its own motion or by petition of all of the owners of record of the real property within the subdivision.

(Added by Stats. 1974, Ch. 1536. Effective March 1, 1975.)

Form of petition

66499.13. The petition shall be in a form prescribed by the local agency and shall contain the following:

(a) Adequate evidence of title to the real property within the subdivision.

(b) Sufficient data to enable the legislative body to make all of the determinations and findings required by this article.

(c) A final map which delineates dedications which will not be vacated and dedications which are a condition to reversion.

(d) Such other pertinent information as may be required by the local agency.

(Added by Stats. 1974, Ch. 1536. Effective March 1, 1975.)

Fees

66499.14. The legislative body may establish a fee for processing reversions to acreage pursuant to this article in an amount which will reimburse the local agency for all costs incurred in processing such reversion to acreage. Such fee shall be paid by the owners at the time of filing the petition for reversion to acreage, or if the proceedings for reversion to acreage are initiated by the legislative body on its own motion shall be paid by the person or persons requesting the legislative body to proceed pursuant to this article before such initiation of proceedings.

(Added by Stats. 1974, Ch. 1536. Effective March 1, 1975.)

Public hearing

66499.15. A public hearing shall be held on the proposed reversion to acreage. Notice thereof shall be given in the time and manner provided in section 66451.3.

(Added by Stats. 1974, Ch. 1536. Effective March 1, 1975.)

Findings

66499.16. Subdivided real property may be reverted to acreage only if the legislative body finds that:

(a) Dedications or offers of dedication to be vacated or abandoned by the reversion to acreage are unnecessary for present or prospective public purposes; and

(b) Either:

(1) All owners of an interest in the real property within the subdivision have consented to reversion; or

(2) None of the improvements required to be made have been made within two years from the date the final or parcel map was filed for record, or within the time allowed by agreement for completion of the improvements, whichever is the later; or

(3) No lots shown on the final or parcel map have been sold within five years from the date such map was filed for record.

(Added by Stats. 1974, Ch. 1536. Effective March 1, 1975.)

Conditions of reversion

66499.17. As conditions of reversion the legislative body shall require:

(a) Dedications or offers of dedication necessary for the purposes specified by local ordinance following reversion.

(b) Retention of all previously paid fees if necessary to accomplish the purposes of this division or local ordinance adopted pursuant thereto.

(c) Retention of any portion of required improvement security or deposits if necessary to accomplish the purposes of this division of local ordinance adopted pursuant thereto.

(Added by Stats. 1974, Ch. 1536. Effective March 1, 1975.)

When effective

66499.18. Reversion shall be effective upon the final map being filed for record by the county recorder, and thereupon all dedications and offers of dedication not shown thereon shall be of no further force or effect.

(Added by Stats. 1974, Ch. 1536. Effective March 1, 1975.)

Effect of reversion

66499.19. When a reversion is effective, all fees and deposits shall be returned and all improvement security released, except those retained pursuant to Section 66499.17.

(Added by Stats. 1974, Ch. 1536. Effective March 1, 1975.)

Tax bond

66499.20. A tax bond shall not be required in reversion proceedings.

(Added by Stats. 1974, Ch. 1536. Effective March 1, 1975.)

**Use of parcel map
for merger**

66499.20-1/4. A city or county may, by ordinance, authorize a parcel map to be filed under the provisions of this chapter for the purpose of reverting to acreage land previously subdivided and consisting of four or less contiguous parcels under the same ownership. Any map so submitted shall be accompanied by evidence of title and nonuse or lack of necessity of any streets or easements which are to be vacated or abandoned. Any streets or easements to be left in effect after the reversion shall be adequately delineated on the map. After approval of the reversion by the governing body or advisory agency the map shall be delivered to the county recorder. The filing of the map shall constitute legal reversion to acreage of the land affected thereby, and shall also constitute abandonment of all streets and easements not shown on the map. The filing of the map shall also constitute a merger of the separate parcels into one parcel for purposes of this chapter and shall thereafter be shown as such on the assessment roll subject to the provisions of Section 66445. Except as provided in subdivision (f) of Section 66445, on

any parcel map used for reverting acreage, a certificate shall appear signed and acknowledged by all parties having any record title interest in the land being reverted, consenting to the preparation and filing of the parcel map.

(Amended and renumbered by Stats. 1982, Ch. 87. Effective March 1, 1982.)

**Merger and
resubdivision**

66499.20-1/2. Subdivided lands may be merged and resubdivided without reverting to acreage by complying with all the applicable requirements for the subdivision of land as provided by this division and any local ordinances adopted pursuant thereto. The filing of the final map or parcel map shall constitute legal merging of the separate parcels into one parcel and the resubdivision of such parcel, and the real property shall thereafter be shown with the new lot or parcel boundaries on the assessment roll. Any unused fees or deposits previously made pursuant to this division pertaining to the property shall be credited pro rata towards any requirements for the same purposes which are applicable at the time of resubdivision. Any streets or easements to be left in effect after the resubdivision shall be adequately delineated on the map. After approval of the merger and resubdivision by the governing body or advisory agency the map shall be delivered to the county recorder. The filing of the map shall constitute legal merger and resubdivision of the land affected thereby, and shall also constitute abandonment of all streets and easements not shown on the map.

(Amended and renumbered by Stats. 1982, Ch. 87. Effective March 1, 1982.)

**Merger without rever-
sion to acreage**

66499.20-3/4. A city or county may, by ordinance, authorize the merger of contiguous parcels under common ownership without reverting to acreage. Such ordinance shall require the recordation of an instrument evidencing the merger.

(Added by Stats. 1982, Ch. 87. Effective March 1, 1982.)

Article 2. Exclusions

Exclusion by court

66499.21. The superior court of the county in which a subdivision is situated may cause all or any portion of the real property included within the boundaries of the subdivision to be excluded from such subdivision and the recorded map to be altered or vacated, in accordance with the procedures set forth in this article.

(Added by Stats. 1974, Ch. 1536. Effective March 1, 1975.)

Procedure

66499.22. A proceeding for exclusion shall be initiated by filing a petition therefor in the offices of the county surveyor and county clerk of the county in which the subdivision or the portion thereof sought to be excluded is situated. Such petition shall accurately and distinctly describe the real property sought to be excluded by reference to the recorded map or by any accurate survey, shall show the names and addresses of all owners of real property in the subdivision or in the portion thereof sought to be excluded as far as the same are known to the petitioners, and shall set forth the reasons for the requested exclusion. The petition shall be signed and verified by the owners of at least two-thirds of the total area of the real property sought to be excluded.

(Added by Stats. 1974, Ch. 1536. Effective March 1, 1975.)

New map

66499.23. The petition shall be accompanied by a new map showing the boundaries of the subdivision as it appears after the exclusion and alteration, such new map to designate as numbered or lettered parcels those portions excluded and show the acreage of each such parcel. If such map can be compiled from data available, an actual field survey shall not be required. If such map meets with the approval of the county surveyor, a certificate by an engineer or surveyor shall not be required.

(Added by Stat. 1974, Ch. 1536. Effective March 1, 1975.)

Notice

66499.24. Upon the filing of a petition pursuant to this article, any judge of the superior court of the county in which the real property is situated shall make an order directing the clerk of the court to give notice of the filing of the petition. The notice shall be for once a week for a period of not less than five consecutive weeks and shall be given by publication in some newspaper of general circulation within the county, or if there is no newspaper published therein, by posting in three of the principal places in the county; provided, that if such real property or any portion thereof is situated within a city, the notice shall be given by publication in some newspaper of general circulation within the city, or if there is no newspaper published therein, by posting in three of the principal places in the city. Such notice shall contain a statement of the nature of the petition together with a direction that any

person may file his written objection to the petition at any time before the expiration of the time of publication or posting. Upon expiration of the time of publication or posting, an affidavit showing such publication or posting shall be filed with the clerk of the court.

(Added by Stats. 1974, Ch. 1536. Effective March 1, 1975.)

Hearing

66499.25. The court may, if no objection has been filed, proceed without further notice to hear the petition. If during the hearing the petitioners produce to the court satisfactory evidence of the necessity of the exclusion of the real property, that the owners of two-thirds of the area of the real property sought to be excluded are the petitioners, and that there is no reasonable objection to making such exclusion, the court may proceed to exclude the real property sought to be excluded by the petition, and order the alteration or vacation of the recorded map, and enter its decree accordingly.

(Added by Stats. 1974, Ch. 1536. Effective March 1, 1975.)

Material objection

66499.26. If objection is made to the petition which, in the judgment of the court is material, the court shall proceed to hear such objection and may adjourn the proceedings to such time as may be necessary upon proper notice to the petitioners and the objectors.

(Added by Stats. 1974, Ch. 1536. Effective March 1, 1975.)

Effect on public streets

66499.27. The exclusion of any real property or the alteration or vacation of any recorded map pursuant to this article shall not affect or vacate the whole or any part of any public street or highway.

(Added by Stats. 1974, Ch. 1536. Effective March 1, 1975.)

Filing of court decree

66499.28. A certified copy of the decree of the superior court excluding any real property or ordering the alteration or vacation of any recorded map pursuant to this article shall be recorded in the office of the county recorder of the county in which such real property is situated. The county recorder shall make upon the face of any such recorded map a memorandum stating briefly that such recorded map has been altered or vacated, whichever the case may be, and giving the date and reference of such decree.

(Added by Stats. 1974, Ch. 1536. Effective March 1, 1975.)

Filing with local agency

66499.29. At the time a certified copy of the decree of court is recorded, a copy of the new map required by Section 66499.23 shall be filed

for record with the county recorder who shall file it in accordance with the provisions of Section 66466. A copy of the new map shall also be filed with the local agency. A reference to this map shall be sufficient identification of the real property for reassessment purposes.

(Added by Stats. 1974, Ch. 1536. Effective March 1, 1975.)

Chapter 7. Enforcement and Judicial Review

Article 1. Prohibition and Penalty

Final map compliance

66499.30. (a) No person shall sell, lease, or finance any parcel or parcels of real property or commence construction of any building for sale, lease or financing thereon, except for model homes, or allow occupancy thereof, for which a final map is required by this division or local ordinance, until such map thereof in full compliance with the provisions of this division and any local ordinance has been filed for record by the recorder of the county in which any portion of the subdivision is located.

Parcel map compliance

(b) No person shall sell, lease or finance any parcel or parcels of real property or commence construction of any building for sale, lease or financing thereon, except for model homes, or allow occupancy thereof, for which a parcel map is required by this division or local ordinance, until such map thereof in full compliance with the provisions of this division and any local ordinance has been filed for record by the recorder of the county in which any portion of the subdivision is located.

Conveyances

(c) Conveyances of any part of a division of real property for which a final or parcel map is required by this division or local ordinance shall not be made by parcel or block number, initial or other designation, unless and until such map has been filed for record by the recorder of the county in which any portion of the subdivision is located.

Inapplicability

(d) This section does not apply to any parcel or parcels of a subdivision offered for sale or lease, contracted for sale or lease, or sold or leased in compliance with or exempt from any law (including a local ordinance), regulating the design and improvement of subdivisions in effect at the time the subdivision was established.

Disclaimer

(e) Nothing contained in subdivisions (a) and (b) shall be deemed to prohibit an offer or contract to sell, lease, or finance real property or to construct improvements thereon where such sale, lease, or financing, or the commencement of such construction, is expressly conditioned upon the approval and filing of a final subdivision map or parcel map, as required under this division.

(f) Nothing in this section shall in any way modify or affect the provisions of Section 11018.2 of the Business and Professions Code.

(Amended by Stats. 1982, Ch. 87. Effective March 1, 1982.)

Uncodified policy

Note: Stats. 1982, Ch. 87 also reads:

SEC. 32. The amendments made to Section 66499.30 of the Government Code by this act are intended to overrule Attorney General's Opinion No. 80-407 (July 10, 1980) and to authorize a person to offer or contract to sell, lease, finance, or convey, or construct improvements on a parcel of real property where the offer or contract is expressly conditioned upon the approval and filing of a final subdivision map or parcel map, as required by the Subdivision Map Act (Division 2 (commencing with Section 66410) of Title 7 of the Government Code).

Misdemeanor

66499.31. Any person who violates any provision of this division shall be guilty of a misdemeanor.

(Added by Stats. 1974, Ch. 1536. Effective March 1, 1975.)

Article 2. Remedies

Voidable conveyance

66499.32. (a) Any deed of conveyance, sale or contract to sell real property which has been divided, or which has resulted from a division, in violation of the provisions of this division, or of the provisions of local ordinances enacted pursuant to this division, is voidable at the sole option of the grantee, buyer or person contracting to purchase, his heirs, personal representative, or trustee in insolvency or bankruptcy within one year after the date of discovery of the violation of the provisions of this division or of local ordinances enacted pursuant to the provisions of this division, but the deed of conveyance, sale or contract to sell is binding upon any successor in interest of the grantee, buyer or person contracting to purchase, other than those above enumerated, and upon the

grantor, vendor, or person contracting to sell, or his assignee, heir or devisee.

Suit for damages

(b) Any grantee, or his successor in interest, of real property which has been divided, or which has resulted from a division, in violation of the provisions of this division or of local ordinances enacted pursuant thereto, may, within one year of the date of discovery of such violation, bring an action in the superior court to recover any damages he has suffered by reason of such division of property. The action may be brought against the person who divided the property in violation of the provisions of this division or of local ordinances enacted pursuant thereto and against any successors in interest who have actual or constructive knowledge of such division of property.

**Inapplicability:
Certificate of
compliance**

The provisions of this section shall not apply to the conveyance of any parcel of real property identified in a certificate of compliance filed pursuant to Section 66499.35 or identified in a recorded final map or parcel map, from and after the date of recording.

The provisions of this section shall not limit or affect in any way the rights of a grantee or his successor in interest under any other provision of law.

(Amended by Stats. 1975, Ch. 24. Effective April 4, 1975.)

Alternative remedies

66499.33. This division does not bar any legal, equitable or summary remedy to which any aggrieved local agency or other public agency, or any person, firm, or corporation may otherwise be entitled, and any such local agency or other public agency, or such person, firm, or corporation may file a suit in the superior court of the county in which any real property attempted to be subdivided or sold, leased, or financed in violation of this division or local ordinance enacted pursuant thereto is located, to restrain or enjoin any attempted or proposed subdivision or sale, lease, or financing in violation of this division or local ordinance enacted pursuant thereto.

(Amended by Stats. 1982, Ch. 87. Effective March 1, 1982.)

**Permit denial if
contrary to public
health/safety**

66499.34. No local agency shall issue any permit or grant any approval necessary to develop any real property which has been divided, or which has resulted from a division, in violation of the provisions of this division or of the provisions of local ordinances enacted pursuant to this division if it finds that development of such real property is contrary to the public

health or the public safety. The authority to deny such a permit or such approval shall apply whether the applicant therefor was the owner of record at the time of such violation or whether the applicant therefor is either the current owner of record or a vendee of the current owner of record pursuant to a contract of sale of the real property with, or without, actual or constructive knowledge of the violation at the time of the acquisition of his or her interest in such real property.

Conditions

If a city or a county issues a permit or grants approval for the development of any such real property, it may impose only those conditions that would have been applicable to the division of the property at the time the applicant acquired his or her interest in such real property, and which has been established at such time by this division or local ordinance enacted pursuant thereto, except that where the applicant was the owner of record at the time of the initial violation of the provisions of this division or of local ordinances enacted pursuant thereto who, by a grant of the real property created a parcel or parcels in violation of this division or local ordinances enacted pursuant thereto, and such person is the current owner of record of one or more of the parcels which were created as a result of the grant in violation of the division or local ordinances enacted pursuant thereto, then the local agency may impose such conditions as would be applicable to a current division of the property, and except that if a conditional certificate of compliance has been filed for record under the provisions of subdivision (b) of Section 66499.35 only such conditions stipulated in that certificate shall be applicable.

The issuance of a permit or grant of approval for development of real property, or with respect to improvements that have been completed prior to the time a permit or grant of approval for development was required by local ordinances in effect at the time of the improvement, or with respect to improvements that have been completed in reliance upon a permit or grant of approval for development, shall constitute "real property which has been approved for development," for the purposes of subdivision (c) of Section 66499.35, and upon request by the person owning the real property or a vendee of such person pursuant to a contract of sale, the local agency shall issue a certificate of compliance for the affected real property.

(Amended by Stats. 1982, Ch. 87 [Effective March 1, 1982]; Stats. 1984, Ch. 864.)

Note: Stats. 1982, Ch. 87 also reads:

Uncodified policy

SEC. 33. Amendments made to Section 66499.34 by this act are intended to eliminate the statutory authorization whereby a person who divides real property in violation of the Subdivision Map Act (Division 2 (commencing with Section 66410) of Title 7 of the Government Code) or local ordinances enacted pursuant thereto is himself or herself entitled to obtain a permit to develop such property based solely on conditions which could have been imposed upon such person at the time of the unlawful division.

Certificate of compliance

66499.35. (a) Any person owning real property or a vendee of such person pursuant to a contract of sale of such real property may request, and a local agency shall determine, whether such real property complies with the provisions of this division and of local ordinances enacted pursuant thereto. Upon making such a determination the city or the county shall cause a certificate of compliance to be filed for record with the recorder of the county in which the real property is located. The certificate of compliance shall identify the real property and shall state that the division thereof complies with applicable provisions of this division and of local ordinances enacted pursuant thereto. The local agency may impose a reasonable fee to cover the cost of issuing and recording the certificate of compliance.

Conditions

(b) If a local agency determines that such real property does not comply with the provisions of this division or of local ordinances enacted pursuant thereto, it shall issue a certificate of compliance or a conditional certificate of compliance. A local agency may, as a condition to granting a certificate of compliance, impose such conditions as would have been applicable to the division of the property at the time the applicant acquired his or her interest therein, and which had been established at such time by this division or local ordinance enacted pursuant thereto, except that where the applicant was the owner of record at the time of the initial violation of the provisions of this division or of local ordinances enacted pursuant thereto who by a grant of the real property created a parcel or parcels in violation of this division or local ordinances enacted pursuant thereto, and such person is the current owner of record of one or more of the parcels which were created as a result of the grant in violation of the division

or local ordinances enacted pursuant thereto, then the local agency may impose such conditions as would be applicable to a current division of the property. Upon making such a determination and establishing such conditions the city or county shall cause a conditional certificate of compliance to be filed for record with the recorder of the county in which the real property is located. Such certificate shall serve as notice to the property owner or vendee who has applied for the certificate pursuant to this section, a grantee of the property owner, or any subsequent transferee or assignee of the property that the fulfillment and implementation of such conditions shall be required prior to subsequent issuance of a permit or other grant of approval for development of the property.

Compliance with such conditions shall not be required until such time as a permit or other grant of approval for development of such property is issued by the local agency.

Issuance of certificate

(c) A certificate of compliance shall be issued for any real property which has been approved for development pursuant to Section 66499.34.

Effect of recorded map

(d) A recorded final map, parcel map, or official map shall constitute a certificate of compliance with respect to the parcels of real property described therein.

**Official map/
certificate of
compliance**

(e) An official map prepared pursuant to subdivision (b) of Section 66499.52 shall constitute a certificate of compliance with respect to the parcels of real property described therein and may be filed for record, whether or not the parcels are contiguous, so long as the parcels are within the same section or, with the approval of the city engineer or county surveyor, within contiguous sections of land.

(Amended by Stats. 1982, Ch. 87 [Effective March 1, 1982]; Stats. 1983, Ch. 677.)

Uncodified policy

Note: Stats. 1982, Ch. 87, also reads:

SEC. 34. Amendments made to Section 66499.35 of the Government Code by this act are intended to eliminate the statutory authorization whereby a person who divides real property in violation of the Subdivision Map Act (Division 2 (commencing with Section 66410) of Title 7 of the Government Code) or local ordinances enacted pursuant thereto is himself or herself entitled to obtain a conditional certificate of compliance with regard to such property based solely on conditions which could have been imposed upon such person at the time of the unlawful division.

Notice of violation

66499.36. Whenever a local agency has knowledge that real property has been divided in

violation of the provisions of this division or of local ordinances enacted pursuant to this division, it shall cause to be mailed by certified mail to the then current owner of record of the property a notice of intention to record a notice of violation, describing the real property in detail, naming the owners thereof, and stating that an opportunity will be given to the owner to present evidence. The notice shall specify a time, date, and place for a meeting at which the owner may present evidence to the legislative body or advisory agency why the notice should not be recorded. The notice shall also contain a description of the violations and an explanation as to why the subject parcel is not lawful under subdivision (a) or (b) of Section 66412.6.

The meeting shall take place no sooner than 30 days and no later than 60 days from date of mailing. If, within 15 days of receipt of the notice, the owner of the real property fails to inform the local agency of his or her objection to recording the notice of violation, the legislative body or advisory agency shall record the notice of violation with the county recorder. If, after the owner has presented evidence, it is determined that there has been no violation, the local agency shall mail a clearance letter to the then current owner of record. If, however, after the owner has presented evidence, the legislative body or advisory agency determines that the property has in fact been illegally divided, the legislative body or advisory agency shall record the notice of violation with the county recorder. The notice of violation, when recorded, shall be deemed to be constructive notice of the violation to all successors in interest in such property. The county recorder shall index the names of the fee owners in the general index.

(Amended by Stats. 1984, Ch. 864.)

Article 3. Judicial Review

Scope of review

66499.37. Any action or proceeding to attack, review, set aside, void or annul the decision of an advisory agency, appeal board or legislative body concerning a subdivision, or of any of the proceedings, acts or determinations taken, done or made prior to such decision, or to determine the reasonableness, legality or validity of any condition attached thereto, shall not be maintained by any person unless such action or proceeding is commenced and service of summons

effected within 90 days after the date of such decision. Thereafter all persons are barred from any such action or proceeding or any defense of invalidity or unreasonableness of such decision or of such proceedings, acts or determinations. Any such proceeding shall take precedence over all matters of the calendar of the court except criminal, probate, eminent domain and forcible entry and unlawful detainer proceedings.

(Amended by Stats. 1980, Ch. 1152.)

OFFICIAL MAPS
(California Government Code)

DIVISION 3. OFFICIAL MAPS

Applicability

66499.50. This division applies to all counties and, whether incorporated or not, to all cities, towns and villages in this state.

(Added by Stats. 1975, Ch. 24. Effective April 4, 1975.)

Definitions:

"City council or board of supervisors"

66499.51. As used in this division:

(a) "City council or board of supervisors" includes the proper corresponding governing board and authority in each place where the division applies.

**"City engineer" and
"County surveyor"**

(b) "City engineer" and "county surveyor" includes the like or corresponding officer, subject to the direction of the corresponding governing board and authority in each place where the division applies.

(c) If there is no city engineer or county surveyor subject to such direction, the corresponding board and authority may employ competent engineers and surveyors to the extent necessary for the carrying out of the purposes of this division in the places subject to its jurisdiction, and the persons so appointed shall have the same authority and shall perform the same duties as are given to and enjoined upon city engineers and county surveyors, respectively, in like cases. The services of engineers and surveyors so employed shall be contracted for, examined, passed upon, audited and paid as are other debts contracted by such governing boards and authorities.

(Added by Stats. 1975, Ch. 24. Effective April 4, 1975.)

**Preparation of
official map**

66499.52. (a) Whenever any city, town or subdivision of land is platted or divided into lots or blocks, and whenever any addition to any city, town or subdivision is laid out into lots or blocks for the purpose of sale or transfer, the city engineer or the county surveyor, under the direction and with the approval of the city council or board of supervisors, may make an official map of the city, town or subdivision, giving to each block on the map a number, and to each lot or subdivision in the block a separate number or letter, and giving names to such streets, avenues, lanes, courts, commons or parks, as may be delineated on the official map.

(b) In a city or county which has adopted the procedure prescribed herein, any surveyor or engineer, under the review of the city engineer or county surveyor, may prepare an official map to be filed for record pursuant to subdivisions (d) and (e) of Section 66499.35. The map shall be prepared in accordance with the map format specifications of subdivisions (a) to (f), inclusive, of Section 66434. Payment for the services of the city engineer or county surveyor, and any charges required by local ordinance to be paid for the cost of processing the official map by the city engineer or county surveyor, shall be the responsibility of the applicant. The official map shall include an engineer's or surveyor's certificate stating that the map was prepared pursuant to the provisions of this section, and an approval certificate of the city engineer or county surveyor.

(Amended by Stats. 1983, Ch. 677.)

Compilation of maps,
resurvey, renumber,
change of street names

66499.53. The engineer or surveyor, under the direction and with the approval of the city council or board of supervisors, may compile the map from maps on file, or may resurvey or renumber the blocks, or renumber or reletter the lots in the blocks, or change the names of streets.

(Added by Stats. 1975, Ch. 24. Effective April 4, 1975.)

Certification

66499.54. Each and every map made and adopted under this division shall be certified under the hands of a majority of the members and the presiding officer and secretary and official seal, if any, of the authority adopting the same. The certificate shall set forth in full the resolution adopting the map, with the date of adoption.

(Added by Stats. 1975, Ch. 24. Effective April 4, 1975.)

Filing with recorder

66499.55. The map, so certified, shall be forthwith filed in the office of the county recorder of the county wherein the platted lands are situate. The recorder shall immediately securely fasten and bind each map so filed in one of a series of firmly bound books to be provided, together with the proper indexes thereof and appropriately marked for the reception of the maps provided for in this division.

(Added by Stats. 1975, Ch. 24. Effective April 4, 1975.)

Designation of final map

66499.56. The map shall become an official map for all the purposes of this division when certified, filed and bound, but not before.

Description of lots or
blocks by reference
to map

(Added by Stats. 1975, Ch. 24. Effective April 4, 1975.)

66499.57. Whenever the city council or board of supervisors adopts a map prepared under this chapter [probably should read "division"] as the official map of the subdivision, town, city or county, it shall be lawful and sufficient to describe the lots or blocks in any deeds, conveyances, contracts, or obligations affecting any of the lots or blocks as designated on the official map, a reference sufficient for the identification of the map being coupled with the description.

(Added by Stats. 1975, Ch. 24. Effective April 4, 1975.)

Filing surveys and
field notes

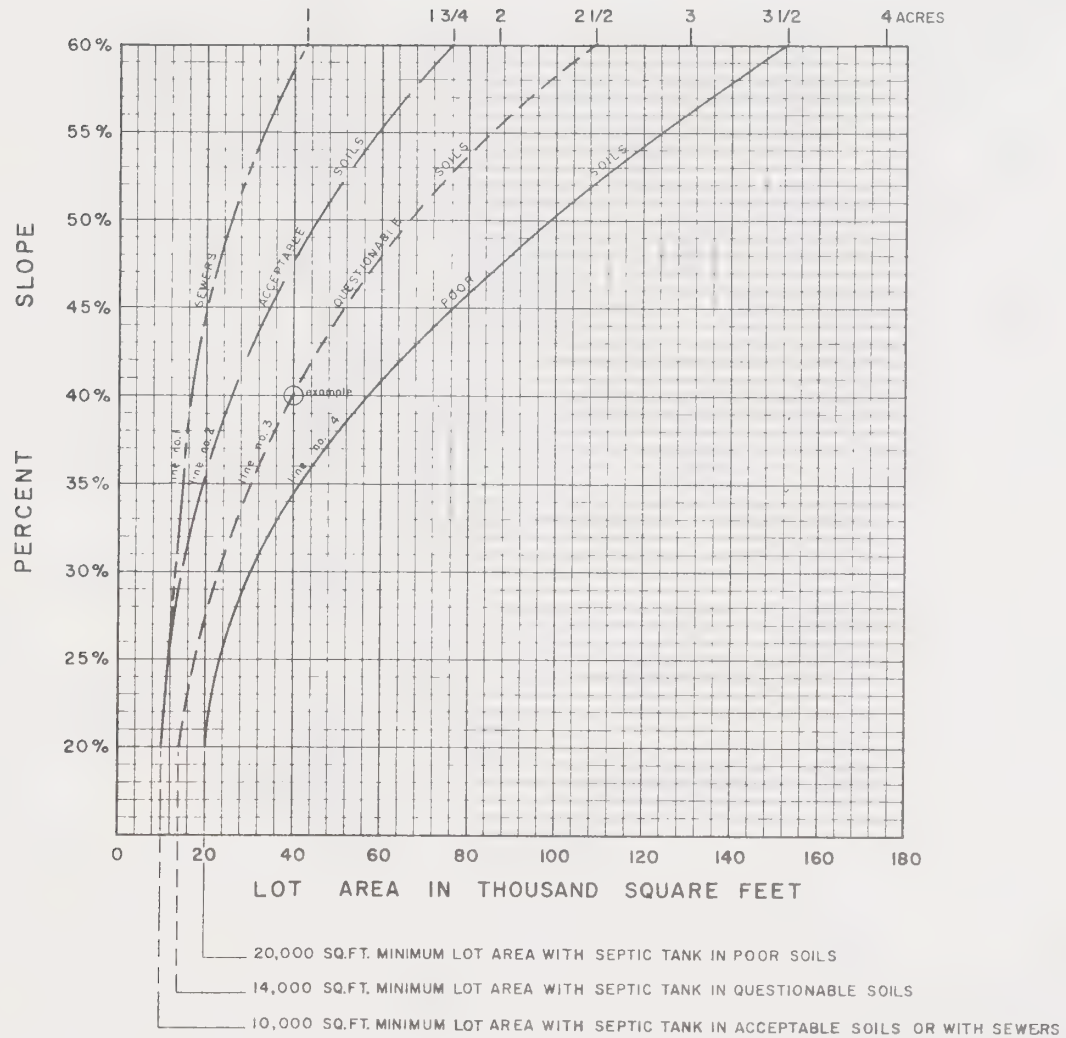
66499.58. All surveys and the field notes thereof made by any engineer or surveyor, under the provisions of this division, or in surveying officially any lots or parcels of land in any city, town or county for the purposes of any map under this division, shall be filed in the office of the surveyor or engineer, as the case may be, and shall become a part of the public records of the city, town or county.

(Added by Stats. 1975, Ch. 24. Effective April 4, 1975.)

Appendix

SLOPE / AREA DIAGRAM

BASED ON SOIL, TOPOGRAPHICAL, HYDROLOGICAL AND GEOLOGICAL CHARACTERISTICS



EXAMPLE: QUESTIONABLE SOILS WITH A 40% SLOPE
 WOULD REQUIRE A LOT AREA OF 40,000
 SQUARE FEET.

APPEALS PROCEDURES

(Excerpted from Tulare County Ordinance Code)

ADMINISTRATIVE APPEALS

SECTION 115. As to any matter which the Board of Supervisors by ordinance or resolution makes subject to the provisions of this section, the appeal to the Board of Supervisors and review shall be controlled by the following rules:

- (a) An appeal from a finding, decision or action of a Tulare County agency, office or employee shall be taken by filing a written notice of appeal within ten (10) calendar days after the finding, decision or action is announced to the applicant or person affected, or, in those cases where written notice of the finding, decision or action is required, within ten (10) calendar days after the mailing of the notice of the finding, decision or action. The finding, decision or action shall be final unless such written notice of appeal is filed within said 10 day period. A notice of appeal shall be in writing, shall be filed with the Clerk of the Board of Supervisors and shall state specifically wherein it is claimed there was an error or abuse of discretion. The Board of Supervisors shall consider only the issues raised in the Notice of Appeal as basis for appeal. Appellant, with approval of the Board of Supervisors, may amend the written notice of appeal to include additional issues, before submission to the Board of Supervisors for decision.
- (b) Upon the filing of the Notice of Appeal, the County agency, office or employee shall transmit to the Clerk of the Board of Supervisors copies of all documents pertaining to this matter, such transcript of testimony as the appellant shall specifically request, and a summary of all of the evidence presented. The County agency, office or employee shall recover from the appellant the costs of preparation of any transcript of testimony requested by the appellant.
- (c) The Clerk of the Board of Supervisors shall give notice to the appellant, the applicant (if the applicant is not the appellant), and to the responding County agency, office or employee of the date when the appeal will be heard by the Board of Supervisors. In addition, the clerk shall give such other notice as may be required by law or ordinance.
- (d) At the hearing on appeal, the Board of Supervisors shall review the documents pertaining to the matter, offered summaries of the evidence, such transcript of testimony as may be furnished; and will hear such testimony as is relevant to the issues raised in the Notice of Appeal and any amendments thereto. Oral evidence shall be taken on oath or affirmation. Each

side shall have the right to call and examine witnesses; to introduce exhibits; to cross-examine opposing witnesses on any matter relevant to the issues on appeal even though that matter was not covered in direct examination; to impeach any witness regardless of which party first called him to testify; and to rebut the evidence against him. If a party does not testify on his own behalf he may be called and examined as if under cross-examination. The hearing need not be conducted according to technical rules relating to evidence and witnesses. Any relevant evidence shall be admitted if it is the sort of evidence upon which responsible persons are accustomed to rely in the conduct of serious affairs, regardless of the existence of any common law or statutory rule which might make improper the admission of such evidence over objection in civil actions. Hearsay evidence may be used for the purpose of supplementing or explaining other evidence but may be rejected by the Board members if deemed unreliable. The rules of privilege shall be effective to the extent that they are otherwise required by Statute to be recognized at a hearing. Irrelevant and unduly repetitious evidence shall be excluded. At the conclusion of the hearing, the Board of Supervisors may affirm, reverse or modify the finding, decision or action, or may refer the matter back for further action.

- (e) Judicial review of a decision of the Board of Supervisors made after a hearing pursuant to this section shall be made pursuant to section 1094.6 of the California Code of Civil Procedure where and to the extent said section may be applicable.

The provisions of this section shall be applicable only where there is a specific reference to this section by resolution or ordinance, directing that the provisions of this section shall control. (Adopted by Ord. No. 2413, effective 5-14-81; amended by Ord. No. 2545, effective 7-28-83.)

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